



LEGISLATIVE BRANCH ▪ CITY OF BINGHAMTON

Teri Rennia, City Council President
Angela Holmes, City Clerk

CITY COUNCIL WORK SESSION AGENDA City Council Work Room, 38 Hawley Street, Binghamton Monday May 20, 2013

The Work Session begins at 6:00pm. Times for RL(s)/Topics are approximate only and items may be considered earlier or later.

Time	Committee	Chair	RL(s)/Topic	Pages	Presenter
6:00pm	----- -----	----- -----	Discussion: Update from the Community Development Advisory Committee Discussion: Scheduling a Special Work Session for June 19 th or 24 th for Presentation of FFY 2014 Action Plan	----- -----	Marty Doorey, Mary Lou Regulski, Jennifer Taylor
6:15pm	-----	-----	Discussion: Presentation of Report from the Center for Technology in Government, "Meeting Today's Needs and Preparing for Tomorrow: Binghamton's Information Management Framework"	-----	Donna Canestraro, Derek Werthmuller
7:15pm	-----	-----	Discussion: Requesting Approval for Replacement of Billboard Destroyed by Fire at 115 Montgomery Street (Former Pa's Woodshed)	-----	Christina Pierce, Lawrence Pierce
7:30pm	Finance	Webb	RL 13-84: JSB NYS Occupational Safety and Health Hazard Abatement Board Grant	16-21	George Kolba
7:45pm	Finance Finance	Webb Webb	RL 13-85: Agreement with Griffiths Engineering for additional design work on Rock Bottom Bridge Flood Wall RL 13-86: Agreement with Hulbert Engineering for Property Survey of 10 Flood-Damaged Buildings	22-24 25	Phil Krey
8:00pm	-----	-----	Discussion: Business Friendly Zoning Amendments	26-70	Leigh McCullen
8:15pm	----- -----	----- -----	Discussion: Liquor Liability Insurance Requirements for Outdoor Café Permits Discussion: 126 Eldridge Street	----- -----	Kenneth J. Frank
8:30pm	MPA -----	Motsavage -----	RL 13-83: Noise variance for Zona & Co. Grille Discussion: Determining Support for Budget Transfer from Contingency for Marketing at Dick's Open Golf Tournament	12-15 -----	Angela Holmes
8:45pm	-----	-----	Discussion: Establishing a Code Court for the City of Binghamton	-----	Councilman Berg



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Time	Committee	Chair	RL(s)/Topic	Pages	Presenter
9:15pm	Planning	Webb	RL 13-79: Intermunicipal Agreement for Susquehanna Heritage Area Commission	1-11	Council President Rennia
	-----	-----	Discussion: Review of \$100,000 Grant from the Community Capital Assistance Program for DYOP Initiative	71-72	
	Council	Rennia	Discussion: Reviewing Committee Reports & Draft Legislation	-----	

COMMITTEE REPORTS

City Council Planning & Community Development Committee: Webb (Chair), Berg, Mihalko

RL 12-133, entitled "An Ordinance authorizing various amendments to sections 178, 265, and 410 of the Binghamton City Code, regarding Community Food Systems and Livestock". Presented to City Council at the Work Session on May 6, 2013. Request for Legislation did not receive support from the majority of the Planning Committee or from Council as a whole. Item returned to committee for further review.

City Council Employees Committee: Berg (Chair), Webb, Papastrat

1. Introductory Ordinance 10-9, entitled "An Ordinance limiting all non-union employees to the PPO-B health insurance plan effective January 1, 2011". Referred to Employees Committee on February 3, 2010.
2. Review of residency requirements for City of Binghamton employees.

City Council Rules & Procedures/Special Studies Committee: Berg (Chair), Motsavage, Papastrat

Identifying alternative police patrol options.



Legislative Branch

RL Number:

13-79

Date Submitted:

5/3/13

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.

Applicant Information

Request submitted by: H. Peter L'Orange

Title/Department: Historic Preservation Planner / PHCD

Contact Information: 7028 hplorange@cityofbinghamton.com

RL Information

Proposed Title: A resolution authorizing the Mayor to enter into a revised intermunicipal agreement related to the Susquehanna Heritage Area Commission

Suggested Content: To be drafted by Corp. Counsel

Additional Information

Does this RL concern grant funding? Yes ☐ No ☒

If 'Yes', is the required RL Grant Worksheet attached? Yes ☐ No ☐

Is additional information related to the RL attached? Yes ☒ No ☒

Is RL related to previously adopted legislation? Yes ☒ No ☐

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): O86-137

OFFICE USE ONLY	
Mayor:	<u>[Signature]</u>
Comptroller:	<u>[Signature]</u>
Corporation Counsel:	<u>[Signature]</u>
Finance <input type="checkbox"/>	Planning <input checked="" type="checkbox"/>
MPA <input type="checkbox"/>	PW/Parks <input type="checkbox"/>
Employees <input type="checkbox"/>	Rules/Special Studies <input type="checkbox"/>

AGREEMENT ESTABLISHING

THE

SUSQUEHANNA HERITAGE AREA COMMISSION

(FORMERLY SUSQUEHANNA URBAN CULTURAL PARK COMMISSION)

AS AMENDED
(May 16, 2012)

PURSUANT TO ARTICLE 5-G

OF THE

GENERAL MUNICIPAL LAW

OF THE

STATE OF NEW YORK

WHEREAS, portions of the City of Binghamton, the Village of Johnson City and the Village of Endicott were jointly designated as the Susquehanna Urban Cultural Park pursuant to a 1977 mandate by the Legislature of the State of New York; and

WHEREAS, the Susquehanna Heritage Area (formerly the Susquehanna Urban Cultural Park) Commission & Advisory Board was recognized in 1987 within the Agreement Establishing the Susquehanna Urban Cultural Park Commission pursuant to Article 5-G of the General Municipal Law of the State of New York; and

WHEREAS, the City of Binghamton, the Village of Johnson City and the Village of Endicott entered into such an Article 5-G agreement for the implementation in whole or in part, of the Management Plan for the Susquehanna Heritage Area (formerly the Susquehanna Urban Cultural Park); and

WHEREAS, the Susquehanna Heritage Area Management Plan Amendment (hereinafter referred to as the Management Plan Amendment) approved in 2010 builds and expands upon previous planning efforts that have been developed and implemented since the Urban Cultural Park (now Susquehanna Heritage Area) was first recognized by the New York State Legislature in 1982; and

WHEREAS, the Management Plan Amendment recommends expanding the designated Heritage Area boundary to include all or parts of the Counties of Broome and Tioga as these two Counties are considered to be integral to telling the story of the Susquehanna Heritage Area and both possess significant resources with respect to preservation, education, recreation, and economic revitalization; and

WHEREAS, legislation introduced in the Assembly by Assemblywoman Donna Lupardo as A6299A Chapter 279 Lupardo (relates to expanding the Susquehanna Heritage Area) and same legislation introduced in the Senate by Senator Thomas Libous as S 5534 LIBOUS and signed by New York State Governor Andrew M. Cuomo on August 4, 2011 amends Section 35.03 (1) (h) of Parks, Recreation and Historic Preservation (PRHP) Law to amend the boundary description to coincide with the boundary recommendation of the Management Plan Amendment; and

WHEREAS, Section 35.03 (1) (h) of PRHP Law reads as follows:

§ 35.03 State designated heritage areas; boundaries. 1. The legislature hereby designates the following historic settings of the state that have been identified for their statewide significance in the plan for a statewide system of urban cultural parks prepared pursuant to chapter seven hundred twenty-seven of the laws of nineteen hundred seventy-seven or that have been subsequently identified and which, upon completion of required management plans and their approval by the commissioner, shall be state designated heritage areas:

(h) The cohesive geographical area including all or parts of the counties of Broome and Tioga associated with and revealing the natural features and historic development including the topographical and agricultural landscape, Native American settlement, the revolutionary frontier, early industries, labor practices, manufacturing and innovation, immigration and migration; and

WHEREAS, the Susquehanna Heritage Area encompasses the related and cohesive geographical areas of Broome and Tioga Counties associated with the regional themes of natural resources, Native Americans and industrial development; and

WHEREAS, the Susquehanna Heritage Area is one of a current system of recognized Heritage Areas which have been identified across New York State to preserve, enhance and depict the natural, cultural, social and historical resources and events which have contributed significantly to the development of this State and to reflect the cultural themes of the State's development and will provide educational, inspirational, economic and recreational benefits for present and future generations; and

WHEREAS, the Management Plan Amendment identifies a series of strategies for communities in Broome and Tioga Counties to implement the New York State Heritage Area's program's objectives of preservation, recreation, education, and economic benefits for the public at large; and

WHEREAS, implementation of such Management Plan Amendment requires the joint effort and collaboration of the cohesive geographical areas of Broome and Tioga Counties on a sustained basis; and

WHEREAS, Article 5-G of General Municipal Law enables municipal corporations to enter into agreements for the performance of certain functions, powers and duties on a cooperative contract basis; and

WHEREAS, this Amendment to the original Agreement of 1987 addresses the composition of the Susquehanna Heritage Area Commission necessitated by an expanded boundary;

Now THEREFORE be it RESOLVED, that the municipalities recognized as participating in the Susquehanna Heritage Area recognize the following purpose, organization, responsibilities and other articles therein as follows:

ARTICLE I: PURPOSE

1. The purpose of this Agreement is to create and establish an organizational structure which can:
 - a. Legally plan, develop and operate the area identified and designated as the Susquehanna Heritage Area.
 - b. Formulate on-going policy related to implementation of the Management Plan Amendment.
 - c. Accept and disperse funds, acquire, improve and dispose of property, manage, update and maintain appropriate facilities, promulgate and advise on

enforcement of regulations and standards to preserve and protect related resources, and publicize and promote activities, features and events in the Susquehanna Heritage Area.

- d. Equitably represent the interests and needs of the constituent Susquehanna Heritage Area municipalities.

ARTICLE II: ORGANIZATION

1. There is hereby created a committee to be known as the Susquehanna Heritage Area Commission (hereinafter referred to as the Commission) to consist of two representatives from Broome County, two representatives from Tioga County, and two representatives from each of the participating municipalities representing all or parts of the Counties of Broome and Tioga. One representative shall be the chief elected official of the respective County or participating municipality or his/her designated representative who shall be appointed by and serve for the term of office of the chief elected official of the respective County or participating municipality and one representative shall be appointed as a member-at-large by the chief elected official of the respective County or participating municipality. Members-at-large shall serve for three-year, staggered terms with other at-large members and his/her successors shall be selected in the same manner. The two representatives ultimately serve at the pleasure of the chief elected official.
2. A municipality may participate in this Susquehanna Heritage Area Commission by resolution of its legislative body and subsequent approval of a majority of the Commission.
3. The Commission shall have the authority to select its own chair, vice-chair, treasurer and secretary from among the voting members at the first meeting of each year.
4. The Commission chair shall have the authority to appoint standing and ad hoc committees as deemed appropriate by the Commission.
5. The Commission shall meet at least six (6) times a year to discuss the business of the Susquehanna Heritage Area. Additional meetings may be called by the chair or by at least two (2) other members of the Commission. All meetings shall be open to the public unless personnel matters are being discussed.
6. The Commission shall decide, by majority vote, all issues that pertain to the development, operation and promotion of the Susquehanna Heritage Area except that annual capital and operating budgets shall be approved by a majority plus one (1) of all voting members.

7. The Commission may establish an Advisory Board to provide a broad base of community involvement in, and to advise on, the policies and operations of the Susquehanna Heritage Area. Such Advisory Board shall consist of the following:
- one (1) representative from Broome County, one (1) representative from Tioga County and one (1) representative from each of the participating municipalities who shall be appointed by the chief elected official of the respective County or participating municipality, representing all or parts of the Counties of Broome and Tioga; and
 - ten (10) Members-At-Large appointed by a majority vote of the Commission with three (3) Members-At-Large appointed from representatives located in Broome County and three (3) Members-At-Large appointed from representatives located in Tioga County and the remaining four (4) Members-At-Large appointed from representatives located in Broome County and/or Tioga County.

Advisory Board membership shall be limited to two (2) consecutive three (3)-year terms. Terms served by the Advisory Board members appointed by the municipal chief-elected officials shall be staggered by municipality. Terms served by the Advisory Board members appointed by the majority vote of the Commission shall be staggered among these Advisory Board members.

8. A Commission member may designate an alternate to represent him/her in his/her absence at a specific meeting of the Susquehanna Heritage Area Commission. Such designation must be made in writing via e-mail or post mail or hand delivery prior to the meeting, and may be made only for the specific designated meeting of the Susquehanna Heritage Area Commission. Such designation of alternate can occur for no more than two consecutive meetings without prior approval of the chief elected official of the respective County or participating municipality.

Article III: RESPONSIBILITIES

1. The Commission shall be responsible for the timely implementation of proposals of the Management Plan Amendment and for amending such plan as necessary. This responsibility shall include but not be limited to:
- a. Encouraging the cooperative efforts of local, regional, and state agencies in the interpretation, enhancement, development, and use of the historic, natural, cultural, social, and economic resources of the Susquehanna Heritage Area.
 - b. Conducting periodic review, and modification, as necessary, of the Management Plan Amendment.
 - c. Researching and preparing budgets for capital improvements and operations, as necessary.

- d. Encouraging local preservation efforts and the use of preservation criteria, standards and procedures in local municipalities.
 - e. Assisting with applications for State, Federal, or private funding for public and private projects within the Susquehanna Heritage Area.
 - f. Developing effective marketing techniques and the implementation of promotional opportunities.
 - g. Encouraging preservation, adaptive reuse and economic development within the Susquehanna Heritage Area in accordance with the Management Plan Amendment goals and objectives.
 - h. Encouraging full development of preservation, educational, recreational, and economic opportunities related to the Susquehanna Heritage Area program.
 - i. Assuring effective state-local relationships so as to realize maximum benefit from State programs, activities, and funding opportunities that may benefit the Susquehanna Heritage Area.
2. The Commission shall recommend to the appropriate entities of the Susquehanna Heritage Area, the State of New York, and the United States Congress, or any other appropriate body, certain legislation or other measures needed to fully realize the potential for development and enjoyment of Susquehanna Heritage Area resources and programs.
 3. The Commission shall encourage involvement with the public and private sector and other appropriate entities in cooperative efforts to revitalize Susquehanna Heritage Area resources and to further the Susquehanna Heritage Area goals.
 4. Determinations related to local planning and made by other agencies with planning responsibilities in the Susquehanna Heritage Area shall be made by the jurisdiction entrusted by law with the particular responsibility. This Agreement shall in no way detract from or be interpreted to interfere with such determinations made in accordance with law.

ARTICLE IV: PERSONNEL

1. The Commission may hire staff and establish terms and conditions of employment.
2. Employees salaried by the Commission to perform planning, development, preservation, or related activities may perform similar work within the Susquehanna Heritage Area boundary in any of the municipalities as participating employees, provided; however, that such joint use of participating employees is mutually agreed upon by the respective municipality and the Commission.

3. Employees hired specifically and exclusively for work on the Susquehanna Heritage Area program may be employed, for payroll purposes, by one of the constituent municipalities, as mutually agreed upon by the Commission and said municipality. Salary, fringe benefits, and salary related costs incurred by the municipality for such employees shall be reimbursed to the hiring municipality on an equitable basis, to be determined by the Commission.

ARTICLE V: PROPERTY

1. The Commission may hold title to property purchased or donated through a grant, private contribution or otherwise, as joint tenants. Property will be disposed of, as needed, in a manner to be determined by the Commission.
2. Any of the constituent municipalities may individually acquire, improve and operate properties or equipment for Susquehanna Heritage Area purposes and in accordance with Susquehanna Heritage Area objectives. Such property or equipment may be credited toward that municipality's contribution to the Susquehanna Heritage Area program in a fair and equitable manner to be determined by the Commission.

ARTICLE VI: EXPENDITURES

1. No expenditures shall be made, and no contract for expenditures of money shall be made, unless money for such expenditures has been appropriated and provided for purposes related to the Susquehanna Heritage Area, without Commission approval.
2. Any contract or other agreement entered into must be approved by a vote of the majority of the Commission membership.

ARTICLE VII: COMPENSATION

1. No member of the Commission shall receive compensation for services rendered in carrying out the purposes of this Agreement, except that Commission members may be reimbursed for expenses paid or incurred by them which were reasonably necessary for performance of such services with prior approval of the Commission.

ARTICLE VIII: EXPANSION, WITHDRAWAL, TERMINATION

1. Any municipality which shares a contiguous boundary with any of the participants in this Agreement, who can contribute to the purposes and objectives of the Susquehanna Heritage Area, may be included in the Susquehanna Heritage Area if such expansion is approved by the Commission and State of New York per Title G,

Article 35 of the Parks, Recreation and Historic Preservation Law of New York State. The added municipality shall be subject to the provisions of this Agreement.

2. Any municipality and/or county may withdraw from further participation in this Susquehanna Heritage Area Commission at any time by resolution of its legislative body. Upon withdrawal by all participating municipalities and counties, the Commission shall continue in existence only for the purpose of liquidating assets and concluding its affairs.

ARTICLE IX: AMENDMENTS

1. This Agreement may be amended by a majority plus one (1) approval of all voting Commission members.

ARTICLE X: SEVERABILITY

1. If any Article or part thereof, of this Agreement shall be declared by a court of competent jurisdiction to be partly or wholly voided or unenforceable, the remaining articles or part thereof, shall remain in full force and effect.

IN WITNESS WHEREOF, the Susquehanna Heritage Area Commission hereby approves this Amended Agreement by resolution adopted on _____.

CITY OF BINGHAMTON

Matthew T. Ryan, Mayor
City of Binghamton

Date

VILLAGE OF JOHNSON CITY

Greg Deemie, Mayor
Village of Johnson City

Date

VILLAGE OF ENDICOTT

John Bertoni, Mayor
Village of Endicott

Date

COUNTY OF BROOME

Debra A. Preston, County Executive
Broome County

Date

COUNTY OF TIOGA

Dale Weston, Chair
Tioga County Legislature

Date



Legislative Branch

RL Number:

13-83

Date Submitted:

5/14/2013

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

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Applicant Information

Request submitted by: Angela Holmes

Title/Department: City Clerk

Contact Information: (607) 772-7005

RL Information

Proposed Title: A Resolution authorizing a noise variance for Zona & Co. Grille

Suggested Content: See attached

Additional Information

Does this RL concern grant funding? Yes ☐ No ☒

If 'Yes', is the required RL Grant Worksheet attached? Yes ☐ No ☒

Is additional information related to the RL attached? Yes ☒ No ☐

Is RL related to previously adopted legislation? Yes ☐ No ☒

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): _____

OFFICE USE ONLY

Mayor: _____

Comptroller: _____

Corporation Counsel: _____

Finance ☐ Planning ☐ MPA ☒ PW/Parks ☐ Employees ☐ Rules/Special Studies ☐



Office of the City Clerk

Date Filed:

4-12-13

License No:

NP13-003

Rel Ch # 1424

City Hall, 38 Hawley Street, Binghamton, NY 13901 607-772-7005

NOISE PERMIT APPLICATION

Event Information

Name of Event: Live music

Date(s)/Time(s) of Event: 5/10, 5/13, 5/16, 5/24, 5/31, 6/7, 6/10, 6/21

Location of Event: Zona & Co. Grille 15 Hawley St Binghamton, NY

Dates/Times of Event 6/28, 7/12, 7/15, 7/26, 8/2, 8/9 13901

Sponsoring Organization:

Contact Information

8/16, 8/29

mail Name of Applicant: Michael Tolsey

Address: 1533 Pearl St. Vestal, NY 13850 Zona

Phone (Home/Work/Cel): 607 972 4443 772 9662 work

Additional Information

Is Applicant the owner of the property where the event will be located? Yes ☐ No ☒
(If the answer to the above question is 'No', the owner of the property must provide written consent.)

Provide a description of the plans, specifications and any other information pertinent to the source of sound and vibration.

Fred meagher will draft letter of
consent by monday 4/15

Provide a description of the sound, including estimated sound levels at the source property and across any real property boundaries, along with the date(s) and time(s) during the day that the sound will be generated.

Live music by established bands at
a foriable noise level for conversation
on patio as well
Bands
Outside on patio - weather permitting.

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APR 12 2013

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CITY OF BINGHAMTON



Office of the City Clerk

Date Filed:

License No:

City Hall, 38 Hawley Street, Binghamton, NY 13901 607-772-7005

Provide a description of noise control methods that will be used to restrict emissions of the generated sound.

umbrellas on patio, volume control by band

Provide a description of the time schedule for the installation of noise abatement and control devices, technology and procedures or process modifications that will be followed to restrict the emissions of the sounds and vibrations.

7-11 pm

By signing below, I acknowledge that in the event the City Clerk issues a permit, the permit shall be valid for the time period requested, but shall be rendered invalid if the actual source of sound authorized under the permit, as measured by a law enforcement officer, causes a continuous noise level in excess of 70 db(A) across any real property boundary.

Applicant Signature

Date

4/10/12



Office of the City Clerk

Date Filed: _____

License No: _____

City Hall, 38 Hawley Street, Binghamton, NY 13901 607-772-7005

This Page Office Use Only

Application contains written consent of property owner where event will take place: Yes ☒ No ☐

Duration of requested permit to exceed three days: Yes ☐ No ☒

Permit granted for the same location, similar event, and for same sponsor within the four weeks prior to this application: Yes ☐ No ☐

Verification of Applicant's signature: Yes ☐ No ☐

Proposed source of sound to cause noise level in excess of seventy (70) db(A) across any real property boundary: Yes ☐ No ☐

Application Determination

City Clerk: Approved ☐ Denied ☐

Signature: _____ Date: _____

If application is denied, please provide explanation in the space provided below.

Permit not accompanied by fee:	Yes <input type="checkbox"/> No <input type="checkbox"/>
Permit not accompanied by property owner's written consent:	Yes <input type="checkbox"/> No <input type="checkbox"/>
Requested duration exceeds three days:	Yes <input type="checkbox"/> No <input type="checkbox"/>
Permit issued within four weeks prior to this application:	Yes <input type="checkbox"/> No <input type="checkbox"/>
Sound source will cause noise in excess of seventy (70) db(A):	Yes <input type="checkbox"/> No <input type="checkbox"/>
Applicant's signature was not verified:	Yes <input type="checkbox"/> No <input type="checkbox"/>
Application was incomplete:	Yes <input type="checkbox"/> No <input type="checkbox"/>

Other:



Legislative Branch

RL Number:

13-84

Date Submitted:

5/15/13

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

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Applicant Information

Request submitted by: Binghamton-Johnson City Joint Sewage Board

Title/Department:

Contact Information: POC: George Kolba, Chairman (754-8787)

RL Information

Proposed Title: A RESOLUTION APPROVING ACCEPTANCE BY THE JOINT SEWAGE

BOARD OF A NEW YORK STATE OCCUPATIONAL SAFETY AND HEALTH HAZARD ABATEMENT

BOARD GRANT FOR THE 2013-2014 PROGRAM YEAR IN AN AMOUNT NOT TO EXCEED \$17,863.

Suggested Content:

(please see proposed resolution wording attached)

Additional Information

Does this RL concern grant funding? Yes ☒ No ☐

If 'Yes', is the required RL Grant Worksheet attached? Yes ☒ No ☐

Is additional information related to the RL attached? Yes ☒ No ☐

Is RL related to previously adopted legislation? Yes ☐ No ☒

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s):

OFFICE USE ONLY

Mayor:

Comptroller:

Corporation Counsel:

Finance ☐ Planning ☐ MPA ☐ PW/Parks ☐ Employees ☐ Rules/Special Studies ☐



Legislative Branch

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

GRANT APPLICATION WORKSHEET

*The Request for Legislation must include the project title and the purpose of the grant.
Please provide the following additional information.*

Agency providing the grant: New York State Occupational Safety and Health Hazard Abatement Board

Total project cost: \$17,863.00

Total amount of grant: reimbursement up to a maximum of \$17,863.00

Local match (if any): none required

If local match is monetary, provide the budget line and title: _____

If local match is "in kind", provide the anticipated personnel and hours to be dedicated to the project:

Disbursement of grant (upfront, reimbursable?): reimbursable

If reimbursable, source of funds pending reimbursement: 2013 & 2014 JSB Budgets, line J8130.43089

Grant project manager: Shane Guilford, Business Manager

Anticipated date of project completion: not later than July 31, 2014

Special project completion requirements (if any): documentation filing required to receive reimbursement

Attach any required form of Resolution from the Agency providing the grant.

Please provide any additional information in the space provided below, including any other government agency or private partner participating in the grant, along with a description of such participation:

See attached grant award letter. The "program year" for this grant runs from August 1, 2013 through
July 31, 2014, and the purpose of the grant is to reimburse the Sewage Board for training and education
costs to be incurred in connection with a program of safety training. The ultimate goal of the training
program is to reduce workplace injuries and illnesses. In 2012, one employee sustained a total of 3
days of lost time due to work-related injuries.

RECEIVED

MAY 15 2013

OFFICE OF THE CITY CLERK
CITY OF BINGHAMTON

(proposed legislation wording)

Dated: May 15, 2013

Sponsored by Councilmember(s):

Introduced by Committee(s) on:

RESOLUTION

entitled

A RESOLUTION APPROVING ACCEPTANCE BY
THE JOINT SEWAGE BOARD OF A NEW YORK
STATE OCCUPATIONAL SAFETY AND HEALTH
HAZARD ABATEMENT BOARD GRANT FOR THE
2013-2014 PROGRAM YEAR IN AN AMOUNT NOT
TO EXCEED \$17,863

WHEREAS, the City of Binghamton (the "City") is a joint owner of the Binghamton-Johnson City Joint Sewage Treatment Facilities (the "JSTF") with the Village of Johnson City (the "Village"); and

WHEREAS, the JSTF are operated and maintained by the Binghamton-Johnson City Joint Sewage Board (the "Sewage Board") under a series of inter-municipal agreements between the City and the Village; and

WHEREAS, subparagraph B of Section 18 of the July 14, 1965 Inter-Municipal Agreement ("IMA I") for the Joint Sewage Project reserves unto the Project's Owners the power to "accept gifts, grants, and bequests"; and

WHEREAS, the JSTF requires additional safety training for its employees as evidenced by the loss of 3 workdays by one JSTF employee during 2012 due to on-the-job accidents; and

WHEREAS, the Sewage Board has received an initial award letter for a 2013-14 New York State Occupational Safety and Health Hazard Abatement Board safety and training project grant ("HAB Grant") in an amount not to exceed \$17,863, to be used to reimburse the Sewage Board for the implementation of workplace safety and health training programs at the JSTF; and

WHEREAS, the HAB Grant is awarded on a "reimbursement-only" basis and does not

require a local match; the grant funds will be administered by the Business Manager, under the supervision of the JSTF Superintendent, as well as in consultation with the Sewage Board and the Sewage Board's Fiscal Officer; the Board's 2013 Estimated Revenue Budget as adopted by the Owners contains line J43089 ("GRANTS") with an estimated revenue of \$0.00, and the Sewage Board intends that a corresponding line be included in its 2014 Estimated Revenue Budget for the remainder of the HAB Grant reimbursements; and the estimated date of completion of the training programs will be July 31, 2014.

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby:

RESOLVE, that the Binghamton-Johnson City Joint Sewage Board may accept on behalf of the City of Binghamton and Village of Johnson City, as co-owners of the Joint Sewage Project, 2013-14 New York State Occupational Safety and Health Hazard Abatement Board safety and training project reimbursement grant proceeds in an aggregate amount not to exceed \$17,863, such funds to be credited by the Sewage Board's Fiscal Officer to the Joint Sewage Board's 2013 Estimated Revenue Budget line J43089, and the Joint Sewage Board or its designee is hereby authorized to execute any and all contracts and documents as may be necessary to qualify for and receive such reimbursement grant proceeds; and be it further

RESOLVED, that there is no City match for the acceptance of such funds; that the Joint Sewage Treatment Facilities Business Manager shall be the grant administrator under the JSTF Superintendent's supervision and in consultation with the Sewage Board and the Sewage Board's Fiscal Officer, and that the estimated date of completion shall be not later than July 31, 2014; and be it further

RESOLVED, that this resolution shall take effect immediately.



KATHERINE D. SCHRIER
Chair

NEW YORK STATE
OCCUPATIONAL SAFETY AND HEALTH
HAZARD ABATEMENT BOARD

STATE CAMPUS
BUILDING 12, ROOM 166
ALBANY, NEW YORK 12240
(518) 457-7629
FAX (518) 485-6082

ROBERT F. GOLLNICK
ANN MARIE TALIERCIO
FRANKLIN D. MIRER
GERALD SKRZECZKOWSKI

Members

April 30th, 2013

Ms. Catherine P. Aingworth
Binghamton-Johnson City
Joint Sewage Board
480 Vestal Road
Vestal, NY 13850

Dear Ms. Aingworth,

The Hazard Abatement Board is pleased to inform you that your proposed safety and health training project has been selected for funding. The Board has awarded your project a maximum of \$17,863 for the period of August 1, 2013 through July 31, 2014.

If your award is in excess of \$25,000 you will find attached to this letter an *M/WBE AND EEO POLICY STATEMENT*. It is imperative that you complete this document within 72 hours of its receipt and return it to the New York State Department of Labor, Division of Equal Opportunity Development, State Campus, Building 12, Room 540, Albany, NY 12240.

A New York State Department of Labor representative will contact you shortly to develop the necessary contract. This contract will develop your proposal into the required format, clearly define the deliverables to be accomplished, and detail the follow-up and evaluation of the results that will be required. Some negotiation related to specific items of cost or program components may also be necessary as part of the contract development - to incorporate changes made by the Board. Please note that we have been informed that given the current state budget and potential funding constraints, it is possible that there may be a further reduction to all awards. We will keep you informed as more information becomes available.

It is critical that this contract be developed in a timely manner, as no program funds can be paid, nor should costs be incurred, until an executed contract is in place. In order to ensure that the contract is completed in a timely fashion, contract forms must be submitted by June 7, 2013. Failure to meet the


RECEIVED MAY - 3 2013

deadline for submittal of an acceptable package will result in suspension of the processing timeframes set forth in law, and subsequent eligibility for interest under Prompt Contracting Law. A copy of the relevant section of State Finance Law is available upon request. ***Further, please be advised that the Hazard Abatement Board reserves the right to rescind an award if the grantee has not entered into a contract with the Department of Labor, pursuant to such an award, by December 31st, 2013.***

Compliance with requirement for workers' compensation and disability benefits insurance coverage: After receipt of this contract award letter, each successful bidder must provide the Department with proof of compliance with workers' compensation and disability insurance coverage requirements as set forth in Sections 57 and 220 (8) of the Workers' Compensation Law.

The Board members and the New York State Department of Labor staff congratulate you and look forward to working together with you to implement a successful program.

Sincerely,



Randall Palmer
Secretary to the Board

cc: K. Schrier

RP/cl

RECEIVED MAY - 3 2013



Legislative Branch

RL Number:

13-85

Date Submitted:

5/16/13

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.

Applicant Information

Request submitted by: Philip T. Krey, P.E. *PTK*
Title/Department: City Engineer/Engineering Department
Contact Information: Phone: 772-7007 Email: ptkrey@cityofbinghamton.com

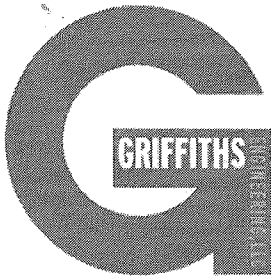
RL Information

Proposed Title: Supplemental Agreement #1 with Griffiths Engineering for additional design
work on Rock Bottom Bridge Flood Wall
Suggested Content: The supplemental agreement covers additional unanticipated work related to
the design of the flood wall at former Rock Bottom Bridge location. The amount is for \$2,630.61,
which is available in budget line H8120.525106.11211

Additional Information

Does this RL concern grant funding? Yes ☐ No ☒
If 'Yes', is the required RL Grant Worksheet attached? Yes ☐ No ☒
Is additional information related to the RL attached? Yes ☒ No ☐
Is RL related to previously adopted legislation? Yes ☐ No ☒
If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): _____

OFFICE USE ONLY	
Mayor:	<i>[Signature]</i>
Comptroller:	<i>[Signature]</i>
Corporation Counsel:	<i>[Signature]</i>
Finance <input type="checkbox"/>	Planning <input type="checkbox"/> MPA <input type="checkbox"/> PW/Parks <input type="checkbox"/> Employees <input type="checkbox"/> Rules/Special Studies <input type="checkbox"/>



13 S. Washington Street, Suite 1
Binghamton, NY 13903

Office: 607-724-2400 Fax: 607-724-2436
Web: www.griffithsengineering.com

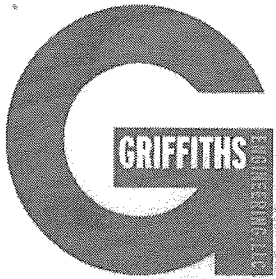
April 17, 2013

Mr. Philip Krey, City Engineer
City of Binghamton
38 Hawley Street, 3rd Floor
Binghamton, NY 13901

**Rock Bottom Dam Floodwall Extra Work Time Summary
Time Summary Sheet**

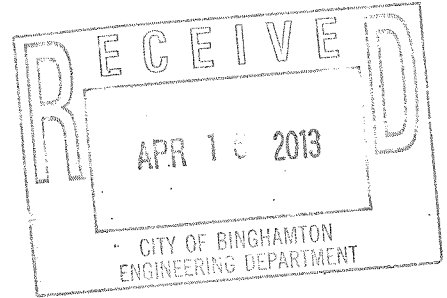
	Hours	Rate	Total
Project Engineer (Billed on Invoice # 11077, of which \$2,684.00 was paid. Balance is \$716.00)	40	\$85	\$3,400.00
Project Engineer (Billed on Invoice # 11213)	20	\$85	\$1,700.00
Project Engineer (Billed on Invoice # 11631)	2.5	\$85	\$212.50
Mileage and Parking			\$2.11
TOTAL DUE			\$2,630.61

*Hours revised from
4/12/13 letter.
PTK*



13 S. Washington Street, Suite 1
Binghamton, NY 13903

Office: 607-724-2400 Fax: 607-724-2436
Web: www.griffithsengineering.com



April 12, 2012

City of Binghamton
Department of Engineering
38 Hawley Street, 3rd Floor
Binghamton, NY 13901
Attention: Mr. Philip Krey, City Engineer

Re: Rockbottom Flood Wall
Justification for Additional Hours – Supplemental Agreement

Dear Mr. Krey:

Here is a summary of additional hours required to complete the design documents not included in the initial estimated hours for the above referenced project (approximately 81 hours total):

Approximately 10 hours were spent addressing the US Army Corps of Engineers (USACE) comments from 1-21-2011.

9.5 hours were spent revising the Drawings to reflect adjustments to elevations due to a vertical datum conversion provided by Southern Tier Surveying.

40 hours was required to address USACE comments from 6-13-2011.

17 hours was required to assemble Technical Specifications and quantities estimate to include in the Project Manual to support the future bidding phase.

Three hours were required to address one final comment from USACE and also to assemble final Adobe PDF's for reproduction.

Also in 2012, we attended a meeting at the City of Binghamton, and made final construction recommendations. Including mileage, parking fees, and hourly rates, our additional fee for these services is \$2,630.61.

If you have any questions please call.

Sincerely yours,
Griffiths Engineering, LLC

Daniel Griffiths, PE



Legislative Branch

RL Number:

13-86

Date Submitted:

5/16/13

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.

Applicant Information

Request submitted by: Philip T. Krey, P.E. *PK*
Title/Department: City Engineer/Engineering Department
Contact Information: Phone: 772-7007 Email: ptkrey@cityofbinghamton.com

RL Information

Proposed Title: Professional Service Contract with Hulbert Engineers for Property Survey
of 10 Flood-Damaged Buildings

Suggested Content: The professional service contract for surveying services will be for an amount
not to exceed . The cost for this contract is 100% FEMA reimbursable. Funding is available
in budget line H3650.533508.10913.

Additional Information

Does this RL concern grant funding? Yes ☒ No ☐

If 'Yes', is the required RL Grant Worksheet attached? Yes ☐ No ☒

Is additional information related to the RL attached? Yes ☒ No ☐

Is RL related to previously adopted legislation? Yes ☐ No ☒

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s):

OFFICE USE ONLY	
Mayor:	<i>[Signature]</i>
Comptroller:	<i>[Signature]</i>
Corporation Counsel:	<i>[Signature]</i>
Finance <input type="checkbox"/>	Planning <input type="checkbox"/> MPA <input type="checkbox"/> PW/Parks <input type="checkbox"/> Employees <input type="checkbox"/> Rules/Special Studies <input type="checkbox"/>



Department of Planning, Housing, & Community Development

Matthew T. Ryan, Mayor
Tarik Abdelazim, Director

Business Friendly Zoning Code Reforms

At the March 18 Work Session City Council directed Staff to prepare Zoning Code amendments designed to result in a more streamlined, efficient, timely and predictable development review process. Specific code updates, such as reducing burdensome parking requirements and creating new land use definitions, will support new business development by reducing processing delays. This proposal also reflects policy direction set forth in the Comprehensive Plan to create a more simple, user-friendly and easily interpretable Zoning Code. A summary list of all proposed changes can be found below. The entire text of amendments is contained in Attachment A.

At the May 6 Work Session parking and notification updates were discussed. As directed by City Council, the remaining amendments, which are discussed in detail beginning on Page 3, will be presented at the May 20th Work Session.

Reduce the need for parking variances

- **Incentivize new businesses to open within existing vacant underutilized storefronts by eliminating parking requirements for existing nonresidential tenant spaces that are less than 2,500 square feet.**
- **Incentivize the rehabilitation and adaptive reuse of Landmark structures by creating provisions that would authorize the Planning Commission to waive or reduce parking for new uses in a Landmark structure.**
- **Expand off-site parking allowances and create forms and uniform procedures designed to expedite approval of shared parking agreements.**

Outcomes: Support new business development, reduce delays in opening a new business, expedite review and approval of development applications, reduce variances related to parking, and reduce the need to create paved parking lots.

Reduce public notice requirement from 10 to 7 calendar days and create staff notification provisions.

Outcomes: Reduce costs to applicant related to certified mailing and newspaper notices; reduce notification errors resulting in delayed public hearings.

Remove public hearing requirement for Series A Site Plan Reviews by the Planning Commission to be consistent with State law.

Outcomes: Expedite review and approval of development applications by reducing the number of Planning Commission meetings typically required for projects that are only subject to site plan review from two meetings to one meeting (additional meetings could still be required for projects that are found to be incomplete by the Commission).
Potential negative outcomes: Less public involvement for projects only subject to Site Plan Review.

'Clean up' Code to improve predictability and ease of use

- Remove Series B Site Plan review from Code which had previously been removed by City Council Ordinance but never redacted from Code.
- Restructure Articles VIII and IX to provide clear distinction between Special Use Permit provisions and Site Plan Review and Approval provisions.
- Update land use definitions to be consistent with current business practices allowing potential business owners and staff to more easily identify the proper use classification for proposed businesses.
- Add references throughout Code. For example when a land use in a zoning district is subject to particular criteria, the section number where the applicable criteria will be added next to that land use.
- General maintenance to reduce redundancies and improve clarity.

Outcomes: Improve clarity, predictability, and consistency of Zoning Code resulting in a more streamlined, efficient, timely and predictable development review process.

In the C-1 and C-2 zones prohibit the conversion of ground floor commercial spaces to residential.

Outcomes: Maintain the integrity of commercial streets and preserve commercial store fronts for small business development. Encourage upper floor residential conversions where it is more appropriate.

See ATTACHMENT A for the entire text of amendments

Contents:

- I. Series A Site Plan Public Hearings
- II. Land Use Definitions
- III. Prohibit Residential Uses on the Ground Floor in the C-1 and C-2 Zones

Explanation of mark up:

Black text currently exists in the code

Red text is proposed

Strikethrough text currently exists in the code and will be eliminated

I. Series A Site Plan Public Hearings

Background: New York State Planning and Zoning Law does not require that a public hearing be held for site plan reviews. A municipality, however, has the option of requiring a hearing. Currently the Code contains public hearing provisions for site plan reviews by the Planning Commission.

Summary of Changes: Remove public hearing requirement for Series A Site Plan Reviews by the Planning Commission. Note that others alterations have been made to ARTICLE IX, Site Plan Review and Approval, that will dramatically improve the clarity and consistency of the Code and will reduce redundancies.

Outcomes: Expedite review and approval of development applications by reducing the number of Planning Commission meetings typically required for projects that are only subject to site plan review from two meetings to one meeting (additional meetings could still be required for projects that are found to be incomplete by the Commission). Projects subject to Series A Site Plan Review would still be reviewed during regularly scheduled meetings of the Planning Commission and would appear on the published Planning Commission agenda. Staff Reports for these projects would be prepared and posted on the City's website.

Negative Outcomes: A public hearing is beneficial because it allows interested parties, besides applicants and local officials, to voice opinions on the proposal. Removing the public hearing requirement, which would remove the public notice requirement, would limit the means by which the public would receive notice of projects.

ARTICLE IX, Site Plan Review and Approval

§410-46. Procedure.

D. Plan approval.

~~(1) Hearing and notice. Before a decision is made the Planning Commission shall hold a public hearing on all Series A site plan reviews on which it is authorized to act, and on any Series B site plan reviews on which it is requested to act by the Planning Department. Such hearing shall be held within 45 days from the day a complete final site plan is submitted to the Planning Department. Notice of such hearing shall occur as per §410-39D of this chapter.~~

II. Land Use Definitions

Background: Business practices have significantly changes since the last time the Zoning Code was updated. Staff often has difficulty finding a land use classification in the Code which best fits some proposed businesses.

Summary of Changes: New definitions, not new land uses, are proposed that best fit current business practices and current zoning practices. A summary of each change, including the existing and proposed definition and justification for change, is below. Actual text of all proposed amendments can be found in Attachment A.

Outcomes: Reduces delays in determining the land use classification of some businesses which in turn will provide clarity to staff and applicants on the land use approvals required for projects.

Current Definition:

SUPERMARKET -- A retail outlet having a square footage greater than 5,000 square feet selling food stuffs and daily essential items which may include, but are not limited to, canned goods, vegetables, meats, dairy products, condiments, and paper goods.

Issue: No definition specifically capturing smaller retail food stores typically grouped with general retail. The existing definition for supermarkets would be deleted and a reference to Food Sales, General would be added in its place.

Proposed Definition:

FOOD SALES, GENERAL -- the retail sales of food or beverages for off-site preparation and consumption. This classification includes but is not limited to the following:

- A. Supermarkets that offer a variety of food items for home consumption such as a combination of fresh fruits, vegetables, breads, meat, dairy products, cereals, pastas, and prepackaged foods. Generally, supermarkets are a minimum five thousand (5,000) square feet and have a minimum twenty percent (20%) of net retail floor area devoted to the display of fresh fruits and vegetables/and or fresh meats, whichever is greater.
- B. Food stores typically containing less than five thousand (5,000) square feet in retail floor area specializing in particular or distinctive food items, including, but not limited to retailers whose primary business maintains an inventory of specialty, gourmet, health, or ethnic food items. Examples of activities in this classification include but are not limited to the following:
 - Gourmet food store
 - Bakery, retail
 - Butcher
 - Specialty food store
 - Fish and poultry shop
 - Produce market
 - Delicatessen (may include sandwich shops in conjunction with the sale of other delicatessen products)
 - Health food store

Changes to Schedule of Uses:

Currently Supermarkets require a SUP/Series A in the C-1, C-2, C-4, I-2 and I-3. No changes proposed; Supermarkets, like Price Chopper or Weis, would still require a SUP/Series A. All other General food sales are proposed to be permitted by right in these same districts:

Example:

- A. C-1 Service Commercial District.
 - (2) Permitted by right, subject to Section 410-36B.:
Food sales, general, excluding Supermarkets

Current Definition:

LABORATORY, RESEARCH AND TESTING -- A building for experimentation in pure or applied research design, development and production of prototype machines or devices or of new products, and uses accessory thereto, wherein products are not manufactured primarily for wholesale or retail sale, wherein commercial servicing or repair of commercial products is not performed and where there is no display of any materials or products.

Issue: Definition is outdated and does not reflect current practices of the industry.

Proposed Definition:

INDUSTRIAL, RESEARCH AND DEVELOPMENT – An establishment engaged in scientific research for the design, development, engineering, and testing of high technology electronic, industrial or scientific products in advance of full scale manufacturing of final products. The only manufacturing uses in this classification consist of the creation of prototype products, plans, or designs for the primary purpose of research, development, or evaluation, rather than for sale or distribution.

Schedule of Uses: Laboratory, Research and Testing would be removed and replaced with Industrial, Research and Development throughout Code.

Current Definition:

HEALTH/SPORT CLUB -- A building or portion of a building designed and equipped for the conduct of sports, exercise, instructional activities, leisure-time activities or other customary and usual recreational activities, operated for profit or not for profit and which can be open only to bona fide members and guests of the organization or open to the public for a fee.

Issue: This definition is specific to membership clubs and does not businesses providing instruction in a specific discipline only. This recently came up with a proposed yoga studio on Clinton Street.

Proposed Definition:

PERSONAL INSTRUCTION AND IMPROVEMENT -- The provision of informational, instructional, personal improvement and similar services. Examples of activities in this classification include, but are not limited to, yoga, martial arts, driving school, job training, and other instructional classes.

Schedule of Uses: This use would be permitted in all districts where Health Clubs are permitted.

Current Definitions:

RESTAURANT, SIT-DOWN -- A restaurant serving customers who are seated principally at tables and where waited on when seated, or waiting on themselves by means of a buffet, for both food and beverages, and where a variety of meals are offered. Further, where any bar area is secondary and incidental to food service, containing not more than one seat for every five table seats, and where the bar does not remain open for extended periods of time for alcohol consumption after the normal menu food service has closed, nor allows seated patrons to acquire beverages except by a waiter or waitress.

RESTAURANT, TAKE-OUT/CARRY-OUT -- A restaurant with prepared food with customers ordering their food at a counter as opposed to menued table services. A restaurant shall be considered take-out even if some seating capacity exists as long as food is served in a take-out manner.

Issue: Updated language needed. Take-out restaurant does not adequately capture most small restaurants and cafés that we have in the City.

Proposed Definitions:

RESTAURANT, FULL SERVICE-- A restaurant serving customers who are seated principally at tables and where waited on when seated, or waiting on themselves by means of a buffet, for both food and beverages, and where a variety of meals are offered. Further, where any bar area is secondary and incidental to food service, containing not more than one seat for every five table seats, and where the bar does not remain open for extended periods of time for alcohol consumption after the normal menu food service has closed, nor allows seated patrons to acquire beverages except by a waiter or waitress.

RESTAURANT, LIMITED SERVICE / CAFÉ -- Restaurants that generally provide food or beverage services to patrons that order and pay before eating or drinking. Food and beverages may be served in disposable containers and may be consumed on the premises or taken out. Seating for on-premises consumption is usually available and table service may not be provided. Examples of these activities include, but are not limited to, coffee shops and cafes and restaurants that do not fall under the definition of Full Service Restaurant or Drive-Through Restaurant.

Schedule of Uses: Replace terms Sit-down restaurant and Take-out restaurant with Full service restaurant and Limited Service restaurant throughout Code.

Current Definitions:

INDUSTRIAL, HEAVY -- An establishment that involves basic processing and manufacturing of materials or products predominantly from extracted or raw materials.

INDUSTRIAL, LIGHT -- An establishment engaged in the assembly, packaging, storage and distribution of products from finished products or parts.

INDUSTRIAL, MEDIUM -- An establishment engaged in the processing, fabrication, treatment, packaging, storage and distribution of predominantly previously prepared materials, or finished products or parts, but excluding basic processing or manufacturing from predominantly new or extracted materials.

Issue: Industrial definitions are so generalized that often it is difficult to categorize specific industrial businesses. Proposed definitions include specific examples to aid in the determination of uses.

Proposed Definitions:

INDUSTRIAL, HEAVY -- An establishment that involves basic processing and manufacturing of materials or products predominantly from extracted or raw materials and involving high impact manufacturing processes. Examples of activities in this classification include but are not limited to the following:

Any manufacturing use with large-scale facilities for outdoor oil and gas storage;

Battery manufacturing and storage;
Lime and gypsum products manufacturing;
Non-ferrous metals production, processing, smelting and refining;
Painting, coating and adhesive manufacturing;
Synthetic dye and pigment manufacturing;
Urethane and other open-cell foam product manufacturing;
Petroleum and coal products manufacturing and refining;
Primary metal smelting;
Vinegar, yeast and other pungent, odor-causing items production;
Leather tanning;
Cement and asphalt manufacturing;
Explosives manufacturing;
Fertilizer and other agricultural chemical manufacturing.

INDUSTRIAL, LIGHT -- An establishment engaged in the assembly, packaging, storage and distribution of products from finished products or parts and the small-scale production of artisan and/or custom products. This classification includes but is not limited to the production or assembly of:

Cameras and photographic equipment;
Custom cabinets;
Custom clothing;
Custom sign-making;
Custom furniture and refinishing;
Professional, scientific, measuring, and controlling instruments;
Medical, dental, optical and orthopedic instruments and appliances, and similar items;
Handicraft, art objects, and jewelry.
Musical instruments;
Production apparel manufacturing;
Computer and electronic products;
Pharmaceutical production;
Beverages (including alcoholic) and food (excluding the production of highly pungent, odor-causing items, such as vinegar and yeast);
Electrical equipment, appliances, and components;
Furniture and related products;
Pharmaceutical production;
Sporting and athletic goods.

INDUSTRIAL, MEDIUM -- An establishment engaged in the processing, fabrication, treatment, packaging, storage and distribution of predominantly previously prepared materials, or finished products or parts, but excluding basic processing or manufacturing from predominantly new or extracted materials. Examples of activities in this classification include but are not limited to the following:

Glass manufacturing;
Metal foundries;
Wood product manufacturing;
Heavy equipment manufacturing;
Paper finishing;

Pipe production facilities;
Textile mills;
Tire retreading and recapping;
Wood product manufacturing.

III. Prohibit Residential Uses on the Ground Floor in the C-1 and C-2 Zones

Background: Over time retail storefronts in areas such as Downtown and along Front Street have been converted into residential spaces, most noticeable are Fraternity House conversions along Washington Street and Front Street. As ground floor retail spaces become less available as a result of residential conversions potential small businesses are often faced with higher rents. Further, residents of ground floor spaces along commercial streets are often negatively impacted by activities on the street, thereby making these ground floor residential spaces less desirable.

Summary of Changes: In the C-1 and C-2 zones prohibit the conversion of ground floor commercial spaces to residential.

Outcomes: Maintain the integrity of commercial streets and preserve commercial store fronts for small business development. Encourage upper floor residential conversions where it is more appropriate.

ARTICLE VII, Commercial and Industrial Districts

§410-32. Schedule II: Land Uses in Commercial and Industrial Zoning Districts.

A. C-1 Service Commercial District.

- (1) All uses listed in the R-3 District. ~~except townhouses~~ Residential uses shall not be located on the ground floor of any building with the exception of incidental pedestrian entrances that lead to one of these uses located on the upper floor of the building. The provisions of this section shall not preclude the operation, maintenance, and occupancy of any residential use that existed lawfully prior to the effective date of this Section. Such uses shall be subject to the nonconforming use regulations in Article XII. See Schedule I for the type of review required.

A. C-2 Downtown Business District.

- (1) All uses listed in the R-3 District. ~~except townhouses~~ Residential uses shall not be located on the ground floor of any building with the exception of incidental pedestrian entrances that lead to one of these uses located on the upper floor of the building. The provisions of this section shall not preclude the operation, maintenance, and occupancy of any residential use that existed lawfully prior to the effective date of this Section. Such uses shall be subject to the nonconforming use regulations in Article XII. See Schedule I for the type of review required.

Note: The following only includes Sections of the Zoning Code that are proposed to be updated.

Explanation of mark up:

Black text currently exists in the code

Red text is proposed

~~Strikethrough text~~ currently exists in the code and will be eliminated

Chapter 410, ZONING

[Adopted by the City Council of the City of Binghamton 8-7-2006 by Ord. No. 06-31 (Appendix A of the 1970 Code). Amendments noted where applicable.]

ARTICLE II, Definitions

§410-5. Terms defined. As used in this chapter, the following terms shall have the meanings indicated:

(to be inserted alphabetically)

FOOD SALES, GENERAL -- the retail sales of food or beverages for off-site preparation and consumption. This classification includes but is not limited to the following:

- A. Supermarkets that offer a variety of food items for home consumption such as a combination of fresh fruits, vegetables, breads, meat, dairy products, cereals, pastas, and prepackaged foods. Generally, supermarkets are a minimum five thousand (5,000) square feet and have a minimum twenty percent (20%) of net retail floor area devoted to the display of fresh fruits and vegetables/and or fresh meats, whichever is greater.
- B. Food stores typically containing less than five thousand (5,000) square feet in floor area specializing in particular or distinctive food items, including, but not limited to retailers whose primary business maintains an inventory of specialty, gourmet, health, or ethnic food items. Examples of activities in this classification include but are not limited to the following:
 - Gourmet food store
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 - Butcher
 - Specialty food store
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 - Produce market
 - Delicatessen (may include sandwich shops in conjunction with the sale of other delicatessen products)
 - Health food store

INDUSTRIAL, HEAVY -- An establishment that involves basic processing and manufacturing of materials or products predominantly from extracted or raw materials. Examples of activities in this classification include but are not limited to the following:

Any manufacturing use with large-scale facilities for outdoor oil and gas storage;
Battery manufacturing and storage;
Lime and gypsum products manufacturing;
Non-ferrous metals production, processing, smelting and refining;
Painting, coating and adhesive manufacturing;
Synthetic dye and pigment manufacturing;
Urethane and other open-cell foam product manufacturing;
Petroleum and coal products manufacturing and refining;
Primary metal smelting;
Vinegar, yeast and other pungent, odor-causing items production;
Leather tanning;

Cement and asphalt manufacturing;
Explosives manufacturing;
Fertilizer and other agricultural chemical manufacturing.

INDUSTRIAL, LIGHT -- An establishment engaged in the assembly, packaging, storage and distribution of products from finished products or parts and the small-scale production of artisan and/or custom products. This classification includes but is not limited to the production or assembly of:

Cameras and photographic equipment;
Custom cabinets;
Custom clothing;
Custom sign-making;
Custom furniture and refinishing;
Professional, scientific, measuring, and controlling instruments;
Medical, dental, optical and orthopedic instruments and appliances, and similar items;
Handicraft, art objects, and jewelry.
Musical instruments;
Production apparel manufacturing;
Computer and electronic products;
Pharmaceutical production;
Beverages (including alcoholic) and food (excluding the production of highly pungent, odor-causing items, such as vinegar and yeast);
Electrical equipment, appliances, and components;
Furniture and related products;
Pharmaceutical production;
Sporting and athletic goods.

INDUSTRIAL, MEDIUM -- An establishment engaged in the processing, fabrication, treatment, packaging, storage and distribution of predominantly previously prepared materials, or finished products or parts, but excluding basic processing or manufacturing from predominantly new or extracted materials. Examples of activities in this classification include but are not limited to the following:

Glass manufacturing;
Metal foundries;
Wood product manufacturing;
Heavy equipment manufacturing;
Paper finishing;
Pipe production facilities;
Textile mills;
Tire retreading and recapping;
Wood product manufacturing.

INDUSTRIAL, RESEARCH AND DEVELOPMENT – An establishment engaged in scientific research for the design, development, engineering, and testing of high technology electronic, industrial or scientific products in advance of fullscale manufacturing of final products. The only manufacturing uses in this classification consist of the creation of prototype products, plans, or designs for the primary purpose of research, development, or evaluation, rather than for sale or distribution.

~~LABORATORY, RESEARCH AND TESTING — See Industrial, Research and Development A building for experimentation in pure or applied research design, development and production of prototype machines or devices or of new products, and uses accessory thereto, wherein products are not manufactured primarily for wholesale or retail sale, wherein commercial servicing or repair of commercial products is not performed and where there is no display of any materials or products.~~

PERSONAL INSTRUCTION AND IMPROVEMENT -- The provision of informational, instructional, personal improvement and similar services. Examples of activities in this classification include, but are not limited to, yoga, martial arts, driving school, job training, and other instructional classes.

RESTAURANT, DRIVE-THROUGH -- A use which, by design of facilities or procedures, encourages or permits customers to receive food service or products while remaining in their vehicle. A drive-~~in~~through establishment may be either a primary or accessory use.

RESTAURANT, ~~SIT-DOWN-FULL SERVICE~~-- A restaurant serving customers who are seated principally at tables and where waited on when seated, or waiting on themselves by means of a buffet, for both food and beverages, and where a variety of meals are offered. Further, where any bar area is secondary and incidental to food service, containing not more than one seat for every five table seats, and where the bar does not remain open for extended periods of time for alcohol consumption after the normal menu food service has closed, nor allows seated patrons to acquire beverages except by a waiter or waitress.

RESTAURANT, ~~TAKE-OUT/CARRY-OUT-LIMITED SERVICE / CAFÉ~~ -- ~~A restaurant with prepared food with customers ordering their food at a counter as opposed to menued table services. A restaurant shall be considered take-out even if some seating capacity exists as long as food is served in a take-out manner. Restaurants that generally provide food or beverage services to patrons that order and pay before eating or drinking. Food and beverages may be served in disposable containers and may be consumed on the premises or taken out. Seating for on-premises consumption is usually available and table service may not be provided. Examples of these activities include, but are not limited to, coffee shops and cafes and restaurants that do not fall under the definition of Full Service Restaurant or Drive-Through Restaurant.~~

SUPERMARKET -- ~~A retail outlet having a square footage greater than 5,000 square feet selling food stuffs and daily essential items which may include, but are not limited to, canned goods, vegetables, meats, dairy products, condiments, and paper goods. See "Food Sales, General"~~

ARTICLE III, Zoning Map; Types of Districts

§410-6. Zoning district map.

Zoning districts are bounded and defined as shown on a map entitled "Zoning Map, City of Binghamton, New York," dated, ~~December 6, 2011~~March 2008, which map, and all amendments thereto, is adopted as part of this chapter and which, with all explanatory matter and dimensions thereon, is hereby made a part of this chapter and included herein.

§410-7. Certification and inspection of map.

The original of the Zoning Map, City of Binghamton, New York, dated, ~~July 19, 2006~~March 2008, shall be certified by the Director of the Planning Department. All changes and amendments to said map shall be promptly made by the Planning Department staff as directed by the City Council. The original of such Zoning Map and all amendments thereto shall remain on file in the Planning Department. Copies of the map shall be on file in the Office of the City Engineer, the Office of Building and Construction, and the Office of the City Clerk and shall be made available for public inspection and use during City office hours.

ARTICLE IV, General Regulations

§410-12. Lot regulations.

- E. Lot measurements. Measurements for lot depth and for ~~the front yard~~ setbacks shall be made from the property lines.
- G. Lot in multiple districts. Where one or more district boundary lines divide a lot or land in single ownership at the time of adoption of the Zoning Map, or any amendments thereto, the regulations applying in any one district may be extended into the remainder of the lot, but only when such extension has been approved by the Planning Department ~~through the Series B site plan approval process~~. See §410-45B.

§410-13. Yards and open space.

- A. Location. No yard or other open space provided ~~about for~~ a specific building for the purpose of complying with the provisions of these regulations shall be included as any part of the yard or open space for any other building. No yard or other open space on one lot shall be considered as a yard or open space for a building on any other lot.
- D. Terraces and porches. A terrace or porch shall not be considered in the determination of lot coverage or yard requirements, except as may be otherwise specified in this chapter, provided that such terrace or porch is without roof, awnings, screens, walls, parapets or other forms of enclosure. Such terrace or porch may have a guard railing or low wall which does not exceed 30 inches in height measured from the lowest level of the terrace or porch. No terrace or porch shall be located less than five feet from any side lot line and may not extend into the front yard by more than 10 feet. Under no circumstance shall the terrace or porch have less than a five-foot setback from the front property line. For lot coverage considerations, a terrace or porch will not be included in lot coverage calculations as long as the terrace or porch is not used as habitable space.
- E. Projecting architectural features. Architectural features such as windowsills, belt courses, chimneys, cornices, eaves or bay windows may project into any required yard area by up to five feet, provided that no such projection shall not be ~~nearer than~~located five feet to any ~~lot~~ line. The total length of any bay window projections on any wall shall not exceed 1/4 of the overall length of said wall.
- F. Other projections. Open fire escapes, outside stairways, balconies and solar energy systems may project up to five feet into a required yard space, provided that such projections ~~are shall~~ not be located less than five feet from any lot line.

§410-17. Visibility at intersections.

A. Obstruction to vision. No solid fence, plantings, or other such barrier, between three (3) feet and seven (7) feet above the grade of the adjacent street line, shall be erected, planted, parked, or otherwise placed on any corner lot or at the intersection of a public or private driveway and a street ~~between three feet and seven feet above the grade of the adjacent street line~~ within the triangular area formed by the intersecting ~~street right-of-way~~ lines and the straight line joining said ~~street right-of-way~~ lines at points which are a distance of 30 feet from their intersection.

B. The provisions of subsection A of the section shall not apply to a permanent building or to trees which are trimmed to eliminate foliage for a distance of more than seven (7) feet above the grade of the adjacent street line.

§410-18. Buffer areas.

- A. Whenever a buffer strip is required by this chapter, it shall meet the following standards:
 - (1) It shall be a minimum width of five feet along a lot line unless otherwise specified in this chapter as a special condition.

§410-19. Accessory buildings and uses.

- A. Limitation. Any accessory building or use shall be limited ~~to such~~ that ~~which it~~ is compatible with, and incidental to, the principal building or use permitted on the lot. Such accessory structures or use shall not be established prior to establishment of the principal building or use. Only one private garage or carport is allowed per residential lot. In addition, only one accessory shed is allowed per residential lot, with a maximum area of 200 square feet and no dimension greater than 16 feet. Maximum height shall not exceed 10 feet.

ARTICLE V, Special Purpose Regulations

§410-24. Performance standards. [Amended 7-20-09 by Ord. No. 23-2009]

- J. Outdoor lighting.
 - (4) Plan submission. Lighting plans, when requested by the Supervisor of the Office of Building and Construction or the Planning Department, shall be submitted for building permits, variances, Series A Site

~~Plan exception B-site plan~~ review, special use permits, and Series A site plan review applications for review and approval.

ARTICLE VI, Residential Districts

§410-25. Intent.

The intent of this Article VI is to identify the types of land uses which are permitted in the three residential zoning districts in the City of Binghamton. A list has been created which specifies the zoning district(s) in which each land use is allowed. Certain uses are permitted by right, while others require ~~ce a Series B site plan review from the Planning Department or a special use permit/Series A site plan~~ from the Planning Commission. All uses are subject to the Article IX Site Plan Review and Approval. Bulk and density regulations for each zoning district are also established.

§410-26. General provisions.

- C. Site plan approval. When Schedule I (§410-27) specifies that ~~a Series B site plan review or~~ a special use permit/Series A site plan review is required for a land use in a residential district, a building permit shall not be

§410-27. Schedule I: Land Uses in Residential Zoning Districts. [Amended 3-2-09 by Ord. No. 9-2009]

The following uses are permitted in residential zoning districts:

A. R-1 Residential Single-Unit Dwelling District.

- (1) Permitted by right, subject to Article IX.

(a) Principal uses:

Community residential facility--family care
Community residence facility for the disabled
Dwelling, modular
Essential services (public facilities)
Foster care home
Public parks, playgrounds, playfields, golf courses, swimming pools, and tennis courts
~~Single-unit residences~~ One-unit dwelling

- ~~(2) Permitted with Planning Department approval (Series B site plan). (to be reordered alphabetically with above)~~

(a) Principal uses:

Adult residential care facility--four or fewer beds, subject to 410.29B
Community residential facility--family care residences, subject to 410.29F
Convent
Garden, community or neighborhood, subject to 410.29L
Monastery
Parish house, subject to 410.29R

(b) Accessory uses:

Accessory dwelling, subject to 410.29A
Alternative domestic energy supply installation, subject to 410.29C
Amateur radio installations, subject to 410.29D
Minor home occupations, subject to 410.29O
Temporary structures, subject to 410.29U

- (3) Permitted with Planning Commission approval, pursuant to Article VIII (special use permit and Series A site plan).

(a) Principal uses:

Conversion or Construction of a Dwelling Unit resulting in or containing ~~to~~ More than Four Bedrooms, subject to 410.29G
Construction of a Structure with Dwelling Units with more than Four Bedrooms
Dwelling, manufactured home, subject to 410-41A(10)
Place of worship, subject to 410-41A(16)

Private school: primary and secondary
Public buildings, including elementary and secondary schools
Townhouses with two units, subject to 410-41A(25)

B. R-2 Residential One- and Two-Unit Dwelling District.

(1) Permitted by right, subject to Article IX.

(a) Principal uses:

Community residential facility--family care
Community residence facility for the disabled
Dwelling, modular essential services
Essential services (public facilities)
Foster care home
Public parks, playgrounds, playfields, golf courses, swimming pools, and tennis courts
One-unit dwelling Single-unit residences
Townhouses with two units
Two-unit ~~residences~~ dwelling

~~(2) — Permitted with Planning Department approval (Series B site plan). (to be reordered alphabetically with above)~~

(a) Principal uses:

Adult residential care facility--four or fewer beds subject to 410.29B
Community residential facility--family care residences, subject to 410.29F
Convent
Dwelling, manufactured home, subject to 410.29K
Garden, community or neighborhood, subject to 410.29L
Monastery
Parish house, subject to 410.29R

(b) Accessory uses:

Accessory dwelling, subject to 410.29A
Alternative domestic energy supply installation subject to 410.29C
Amateur radio installations, subject to 410.29D
Minor home occupations, subject to 410.29O
Temporary structures, subject to 410.29U

(3) Permitted with Planning Commission approval, pursuant to Article VIII (special use permit and Series A site plan).

(a) Principal uses:

Conversion or Construction of a dwelling Unit ~~to~~ resulting in or containing More than Four Bedrooms, subject to 410.29G
~~Construction of a Structure with Dwelling Units with more than Four Bedrooms~~
Places of worship, subject to 410-41A(16)
Private school: primary and secondary
Public buildings, including elementary and secondary schools
Townhouse with four or fewer dwelling units, subject to 410-41A(24)

C. R-3 Residential Multi-Unit Dwelling District.

(1) Permitted by right, subject to Article IX.

(a) Principal uses:

Community residential facility--family care
Community residence facility for the disabled
Dwelling, modular
Essential services (public facilities)
Foster care home

Public parks, playgrounds, playfields, golf courses, swimming pools, and tennis courts
Single-unit residences
Townhouses with two units
Two-unit residences

~~_(2) Permitted with Planning Department approval (Series B site plan).~~ (to be reordered alphabetically with above)

(a) Principal uses:

Adult residential care facility--four or fewer beds, subject to 410.29B
Bed-and-breakfast home, subject to 410.29E
Community residential facility--family care residences subject to 410.29F
Convent
Day care, adult group, subject to 410.29H
Day care, adult home, subject to 410.29I
Day-care facility, subject to 410.29J
Dwelling, manufactured home, subject to 410.29K
Garden, community or neighborhood, subject to 410.29K
Hospitality house, subject to 410.29M
Monastery
Multi-unit dwelling: new construction or conversion of existing building into three or ~~four~~ more units
Parish house
Parking, ancillary, subject to 410.29S
Townhouse with four or fewer dwelling units, subject to 410.29V

(b) Accessory uses:

Accessory dwelling, subject to 410.29A
Alternative domestic energy supply installation, subject to 410.29C
Amateur radio installations subject to 410.29D
Major home occupations, subject to 410.29N
Minor home occupations, subject to 410.29O
Seasonal sales, subject to 410.29T
Temporary structures, subject to 410.29U

(3) Permitted with Planning Commission approval, pursuant to Article VIII (special use permit and Series A site plan).

(a) Principal uses:

Adult residential care facility—five or more beds
Bed-and-breakfast inn
Boardinghouse
Community residential facility – community residences for youth (group homes)
Community residential facility – alcohol or drug user community support residences
Community residential facility – community residences, other
Convalescent/Nursing home: health-related nursing facility
Convalescent/Nursing home: skilled nursing facility
Conversion or Construction of Dwelling Unit resulting in or containing ~~to~~ More than Four Bedrooms, subject to 410.29G
Construction of a Structure with Dwelling Units with more than Four Bedrooms
Hospice facility
Multi-unit dwelling: new construction or conversion of existing building into five or more units
Parking area, public, subject to 410-41A(15)
Place of worship, subject to 410-41A(16)
Private school: primary and secondary
Public buildings, including primary and secondary school
Recreation use, racetrack, subject to 410-41A(18)

Respite care facility
Retreat house
Rooming house, new construction or conversion of existing building
Townhouse with five or more dwelling units, subject to 410-41A(23)

§410-29. Special conditions for certain land uses in residential districts. [Amended 3-2-09 by Ord. No. 9-2009]

Land uses listed in Schedule I as being "Permitted ~~with Planning Department approval by right~~" or ~~(Series B site plan)~~" or "Permitted with Planning Commission approval" shall not be considered permitted until the Supervisor of the Office of Building and Construction or the Planning Commission is satisfied that there is compliance with applicable conditions as set forth ~~§410-29~~below.

- B. An adult residential care facility (four or fewer beds) in R-1, R-2 and R-3 Districts is permitted when:
- (1) The facility is owner-occupied.
 - (2) The facility is licensed by the appropriate agency.

ARTICLE VII, Commercial and Industrial Districts

§410-30. Intent.

The intent of this Article VII is to identify the types of land uses which are permitted in the commercial and industrial zoning districts in the City of Binghamton. A list has been created which specifies the zoning district(s) in which each land use is allowed. Certain uses are permitted by right, while others require ~~ee a Series B site plan review from the Planning Department or~~ a special use permit/~~Series A site plan~~ from the Planning Commission. All uses are subject to the Article IX Site Plan Review and Approval. Bulk and density regulations for each zoning district are also established.

§410-31. General provisions.

- C. Site plan approval. When Schedule II (§410-32) specifies that ~~a Series B site plan review or~~ a special use permit/Series A site plan review is required for a land use in a commercial or industrial district, a building permit shall not be issued for such land use until a site plan has been approved in accordance with the provisions of Articles VII and IX of this chapter. Other agencies involved in issuing required permits must be contacted by the applicant.

§410-32. Schedule II: Land Uses in Commercial and Industrial Zoning Districts.

A. C-1 Service Commercial District.

- (1) All uses listed in the R-3 District. ~~except townhouses~~ Residential uses shall not be located on the ground floor of any building with the exception of incidental pedestrian entrances that lead to one of these uses located on the upper floor of the building. The provisions of this section shall not preclude the operation, maintenance, and occupancy of any residential use that existed lawfully prior to the effective date of this Section. Such uses shall be subject to the nonconforming use regulations in Article XII. See Schedule I for the type of review required.
- (2) Permitted by right, subject to Article IX:-
 - Animal clinic
 - Antiques
 - Art gallery
 - Automotive detailing business
 - Automotive parts and accessories establishment
 - Bakery, retail
 - Banquet/Catering facility
 - Barbershop/Beauty parlor
 - Brew pub
 - Catering service
 - Dry-cleaning establishment
 - Flea market, short term

Food delivery establishment
Food sales, general, excluding Supermarkets
Greenhouse, commercial
Human service agency
Laundromat
Liquor store
Nightclub
Nonalcoholic nightclub
Office, business
Office, professional
Office, professional health-related
Oil change, lube, and related sales and service facility
Pawnshop/swap shop
Personal instruction and improvement
Personal service establishment
Pet grooming shop
Photocopy and related printing service
Rental service store
Repair shop and sales, small appliances and office equipment
Restaurant, ~~sit-down~~full service
Restaurant, ~~take-out/carry-out~~limited service, café
Retail beverage/recycling center
Retail neighborhood convenience outlet
Retail or service business, general
Studio
Studio, broadcast
Tavern
Taxicab/Personal transport business (no repairs or exterior storage of vehicles)
Telephone switching facility
Therapeutic massage office
Thrift shop/secondhand store
Towing service (with no accessory storage)
Travel agency
Video rental shop

~~(3) Permitted with Planning Department approval (Series B site plan):~~ *(to be reordered alphabetically with above)*

Animal hospital, subject to 410-34B.
Auction house or gallery, subject to 410-34E.
Automatic teller machine (drive-up), subject to 410-34F.
Automobile sales, used (minor), subject to 410-34G.
Bank and financial institutions, subject to 410-34I.
Bank, drive-through, subject to 410-34J.
Banquet/Catering facility, subject to 410-34K.
Cultural facilities/museums, subject to 410-34Q.
Flea market, long-term, subject to 410-34R.
Health/Sport club, subject to 410-34S.
Kennel, commercial, subject to 410-34U.
Parcel delivery, subject to 410.29DD.
Parking, ancillary, subject to 410.29EE.
Restaurant, drive-through, subject to 410.29FF.
Retail drive-through, subject to 410.29II.
Tire, muffler, brake, shock absorber, and related sales and service, subject to 410.29GG.
Wayside stand, subject to 410.29OO.

Wholesale trade and storage, subject to 410.29PP.

- (4) Permitted with Planning Commission approval, pursuant to Article VIII (special use permit and Series A site plan):

Alcohol or drug rehabilitation facility
Automobile hand washing business
Automobile mechanical washing business
Automobile rental/leasing facility
Automobile repair shop, subject to 410-41A(4)
Automobile sales, new, subject to 410-41A(5)
Automobile sales, used (major), subject to 410-41A(6)
Automobile service station, subject to 410-41A(7)
Bus depot
Clinic, medical, diagnostic or treatment center
Club or lodge, membership
Community center
Crematory
Department store
Dormitory, off-campus
Dry-cleaning plant
Eleemosynary/Philanthropic organization
Fraternity/Sorority house
Funeral home
Gasoline, convenience market
Halfway house
Hotel and motel, subject to 410-41A(11)
Industrial, light
Industrial, medium
Industrial, research and development
Laboratory, research and testing
Machine, sheet metal and welding shop, subject to 410-41A(12)
Microbrewery
Mission/Homeless shelter
Parking area, public, subject to 410-41A(15)
Printing or publishing facility
Radio and television transmitting station
Rail freight terminal, subject to 410-41A(17)
Railroad facility
Railroad station
Recreation use, commercial indoor
Recreation use, commercial outdoor
Recreation vehicles, sales and repair
Schools, business/commercial/trade/vocational
Schools, colleges, universities, and professional
Self-service storage warehouse, subject to 410-41A(19)
Shopping center, subject to 410-41A(20)
Supermarket
Taxicab/Personal transport business (with repairs and/or exterior storage of vehicles)
Telecommunications facility, subject to 410-41A(21)
Zoo/Aquarium

A. C-2 Downtown Business District.

- (1) All uses listed in the R-3 District. except townhouses-Residential uses shall not be located on the ground floor of any building with the exception of incidental pedestrian entrances that lead to one of these uses located on the upper floor of the building. The provisions of this section shall not preclude the operation,

maintenance, and occupancy of any residential use that existed lawfully prior to the effective date of this Section. Such uses shall be subject to the nonconforming use regulations in Article XII. See Schedule I for the type of review required.

(2) Permitted by right, subject to Article IX:-

Animal clinic
Antiques
Art gallery
Automotive detailing business
Automotive parts and accessories establishment
Bakery, retail
Banquet/Catering facility
Barbershop/Beauty parlor
Brew pub
Catering service
Dry-cleaning establishment
Flea market, short-term
Food delivery establishment
Food sales, general, excluding Supermarkets
Greenhouse, commercial
Human service agency
Laundromat
Liquor store
Nightclub
Nonalcoholic nightclub
Office, business
Office, professional
Office, professional health-related
Pawnshop/Swap shop
Personal instruction and improvement
Personal service establishment
Pet grooming shop
Photocopy and related printing service
Rental service store
Repair shop and sales, small appliances and office equipment
Restaurant, ~~sit down~~full service
Restaurant, ~~take out/carry out~~limited service, café
Retail or service business, general
Studio
Studio, broadcast
Tavern
Taxicab/Personal transport business (no repairs or exterior storage of vehicles)
Telephone switching facility
Therapeutic massage office
Thrift shop/secondhand store
Travel agency
Video rental shop

~~(3) Permitted with Planning Department approval (Series B site plan):-~~ *(to be reordered alphabetically with above)*

Animal hospital, subject to 410-34B.
Auction house or gallery, subject to 410-34E.
Automatic teller machine (drive-up), subject to 410-34F.
~~Automobile sales, used (minor)~~

Bank and financial institutions, subject to 410-34I.
Bank, drive-through, subject to 410-34J.
Banquet/Catering facility, subject to 410-34K.
Cultural facilities/museums, subject to 410-34Q.
Flea market, long-term, subject to 410-34R.
Health/Sport club, subject to 410-34S.
Parking, ancillary, subject to 410.29EE.
Wayside stand, subject to 410.29OO.
Wholesale trade and storage, subject to 410.29PP.

(4) Permitted with Planning Commission approval, pursuant to Article VIII (special use permit and Series A site plan):

Bus depot
Clinic, medical, diagnostic or treatment center
Club or lodge, membership
Community center
Department store
Dormitory, off-campus
Eleemosynary/Philanthropic organization
Fraternity/Sorority house
Funeral home
Halfway house
Hotel and motel, subject to 410-41A(11)
Industrial, light
Industrial, medium
Industrial, research and development
Laboratory, research and testing
Parking area, public, subject to 410-41A(15)
Printing or publishing facility
Radio and television transmitting station
Rail freight terminal, subject to 410-41A(17)
Railroad facility
Railroad station
Recreation use, commercial indoor
Recreation use, commercial outdoor
Schools, business/commercial/trade/vocational
Schools, colleges, universities, and professional
Shopping center, subject to 410-41A(20)
Supermarket
Taxicab/Personal transport business (with repairs and/or exterior storage of vehicles)
Telecommunications facility, subject to 410-41A(21)
Zoo/Aquarium

C. C-3 Medical District.

(1) All uses listed in the R-3 District except townhouses: See Schedule I for the type of review required.

(2) Permitted by right, subject to Article IX:

Office, business
Office, professional
Office, professional health-related
Therapeutic massage office

~~(3) Permitted with Planning Department approval (Series B site plan): (to be reordered alphabetically with above)~~

Animal clinic, subject to Section 410-34A.
Health/Sport club, subject to 410-34S.
Office complex (business/professional/professional health-related) subject to 410.29Y.
Parking, ancillary, subject to 410.29ee.

- (43) Permitted with Planning Commission approval, pursuant to Article VIII (special use permit and Series A site plan):
Alcohol or drug rehabilitation facility
Clinical, medical, diagnostic or treatment center
Hospital, medical center
Laboratory, medical-related research and testing
Methadone facility
Parking area, public, subject to 410-41A(15)

D. C-4 Neighborhood Commercial District.

- (1) All uses listed in the R-3 District except townhouses: See Schedule I for the type of review required.

- (2) Permitted by right, subject to Article IX:

Animal clinic
Antiques
Art gallery
Automotive detailing business
Bakery, retail
Barbershop/Beauty parlor
Brew pub
Catering service
Dry-cleaning establishment
Flea market, short-term
Food delivery establishment
Food sales, general, excluding Supermarkets
Greenhouse, commercial
Human service agency
Laundromat
Liquor store
Office, business
Office, professional
Office, professional health-related
Pawnshop/Swap shop
Personal instruction and improvement
Personal service establishment
Pet grooming shop
Photocopy and related printing service
Rental service store
Repair shop and sales, small appliances and office equipment
Restaurant, ~~sit down~~full service
Restaurant, ~~take out/carry out~~limited service, café
Retail beverage/recycling center
Retail craft/hobby shop
Retail neighborhood convenience outlet
Retail or service business, general
Retail sales of ice cream, candy, baked goods, gifts, flowers, and similar small items
Studio
Studio, broadcast
Tavern
Taxicab/Personal transport business (no repairs or exterior storage of vehicles)

Telephone switching facility
Therapeutic massage office
Thrift shop/secondhand store
Travel agency
Video rental shop

~~(3) Permitted with Planning Department approval (Series B site plan): (to be reordered alphabetically with above)~~

Animal hospital, subject to 410-34B.
Automatic teller machine (drive-up)
Automobile sales, used (minor), subject to 410-34G.
Automotive parts and accessories establishment, subject to 410-34H.
Bank and financial institutions, subject to 410-34I.
Bank, drive-through, subject to 410-34J.
Banquet/Catering facility, subject to 410-34K.
Billiards hall, subject to 410-34L.
Flea market, long-term, subject to 410-34R.
Health/Sport club, subject to 410-34S.
Kennel, commercial, subject to 410-34U.
Nightclub, subject to 410-34V.
Nonalcoholic nightclub subject to 410.29X.
Office complex (business/professional/professional health-related) subject to 410.29Y.
Oil change, lube, and related sales and service facility subject to 410.29CC.
Parking, ancillary, subject to 410.29EE.
Restaurant, drive-through, subject to 410.29FF.
Retail drive-through, subject to 410.29II.
Wayside stand, subject to 410.29OO.

~~(43)~~ Permitted with Planning Commission approval, pursuant to Article VIII (special use permit and Series A site plan):

Automobile hand washing business
Automobile mechanical washing business
Automobile service station, subject to 410-41A(7)
Bowling alley
Clinic, medical, diagnostic or treatment center
Club or lodge, membership
Community center
Crematory
Cultural facilities/museums
Eleemosynary/Philanthropic organization
Fraternity/Sorority house
Funeral home
Gasoline, convenience market
Microbrewery
Miniature golf establishment, subject to 410-41A(13)
Parking area, public, subject to 410-41A(15)
Shopping center, subject to 410-41A(20)
Supermarket
Tire, muffler, brake, shock absorber, and related sales and service, subject to 410-41A(22)

E. C-5 Neighborhood Office District.

(1) All uses listed in the R-3 District except townhouses: See Schedule I for the type of review required.

(2) Permitted by right, subject to Article IX:

Bakery, retail
Personal service establishment
Retail craft/hobby shop
Retail neighborhood convenience outlet
Retail sales of ice cream, candy, baked goods, gifts, flowers, and similar small items
Studio

~~(3) Permitted with Planning Department approval (Series B site plan): (to be reordered alphabetically with above)~~

Antiques, subject to 410-34C.
Art gallery, subject to 410-34D.
Bank and financial institutions, subject to 410-34I.
Bank, drive-through, subject to 410-34J.
Catering service, subject to 410-34P.
Human service agency, subject to 410-34T.
Office, business subject to 410.29Z.
Office, professional subject to 410.29AA.
Office, professional health-related subject to 410.29BB.
Parking, ancillary, subject to 410.29EE.
Restaurant, ~~sit-down~~full service, subject to 410.29GG.
Restaurant, ~~take-out/carry-out~~limited service / café, subject to 410.29HH.
Therapeutic massage office, subject to 410.29KK.
Travel agency, subject to 410.29NN.

(4) Permitted with Planning Commission approval, pursuant to Article VIII (special use permit and Series A site plan):

Cultural facilities/museums
Eleemosynary/Philanthropic organization
Funeral home
Parking area, public, subject to 410-41A(15)

F. C-6 Limited Neighborhood Commercial District.

(1) All uses listed in the R-3 District except townhouses: See Schedule I for the type of review required.

(2) Permitted by right, subject to Article IX:

Bakery, retail
Food sales, general, excluding Supermarkets
Laundromat
Liquor store
Personal instruction and improvement
Personal service establishment
Retail craft/hobby shop
Retail neighborhood convenience outlet
Retail sales of ice cream, candy, baked goods, gifts, flowers, and similar small items
Studio

~~(3) Permitted with Planning Department approval (Series B site plan): (to be reordered alphabetically with above)~~

Antiques, subject to 410-34C.
Art gallery, subject to 410-34D.
Catering service, subject to 410-34P.
Office, business, subject to 410.29Z.
Office, professional, subject to 410.29AA.

Office, professional health-related, subject to 410.29BB.
Restaurant, ~~sit-down~~full service, subject to 410.29GG.
Restaurant, ~~take-out/carry-out~~limited service / café, subject to 410.29HH.
Tavern, subject to 410.29JJ.
Therapeutic massage office, subject to 410.29KK.
Thrift shop/secondhand store, subject to 410.29LL.
Travel agency, subject to 410.29NN.
Wayside stand, subject to 410.29OO.

- (43) Permitted with Planning Commission approval, pursuant to Article VIII (special use permit and Series A site plan):
Eleemosynary/Philanthropic organization

G. I-1 Urban Business Park District.

- (1) Permitted by right, subject to Article IX:

Essential services
Office, business
Office, professional
Office, professional health-related
Photocopy and related printing service
Restaurant, ~~sit-down~~full service
Restaurant, ~~take-out/carry-out~~limited service, café
Single-unit residences
Telephone switching facility
Two-unit residences

- ~~(2) Permitted with Planning Department approval (Series B site plan):-~~ *(to be reordered alphabetically with above)*

Health/Sport club, subject to 410-34S.
Monument manufacture and sales, subject to 410-34V.
Multi-unit dwelling: new construction or conversion of existing building into three or four units
Parcel delivery, subject to 410.29DD.
Parking, ancillary, subject to 410.29EE.
Wholesale trade and storage, subject to 410.29GG.

- (32) Permitted with Planning Commission approval, pursuant to Article VIII (special use permit and Series A site plan):

Convalescent/Nursing home: health-related nursing facility
Convalescent/Nursing home: skilled nursing facility
Hotel and motel, subject to 410-41A(11)
Industrial, light
Industrial, medium
Industrial park
Industrial, research and development
Laboratory, research and testing
Multi-unit dwelling: new construction or conversion of existing building into five or more units
Parking area, public, subject to 410-41A(15)
School, business/commercial/trade/vocational
Schools, colleges, universities, and professional
Telecommunications facility, subject to 410-41A(21)

H. I-2 Light and Medium Industrial District.

- (1) Permitted by right, subject to Article IX:
Animal clinic

Antiques
 Art gallery
 Automotive detailing business
 Automotive parts and accessories establishment
Automotive sales, used (minor), subject to 410-34G.
 Bakery, retail
 Banquet/Catering facility
 Barbershop/Beauty parlor
 Brew pub
 Catering service
 Dry-cleaning establishment
 Flea-market, short term
 Food delivery establishment
Food sales, general, excluding Supermarkets
 Greenhouse, commercial
 Human service agency
 Laundromat
 Liquor store
 Nightclub
 Nonalcoholic nightclub
 Office, business
 Office, professional
 Office, professional health-related
 Oil change, lube, and related sales and service facility
 Pawnshop/Swap shop
Personal instruction and improvement
 Personal service establishment
 Pet grooming shop
 Photocopy and related printing service
 Rental service store
 Repair shop and sales, small appliances and office equipment
 Restaurant, ~~sit down~~full service
 Restaurant, ~~take out/carry out~~limited service / cafe
 Retail beverage/recycling center
 Retail or service business, general
 Studio
 Studio, broadcast
 Tavern
 Taxicab/Personal transport business (no repairs or exterior storage of vehicles)
 Telephone switching facility
 Therapeutic massage office
 Thrift shop/secondhand store
 Towing service (with no accessory storage)
 Travel agency
 Video rental shop

~~(2) Permitted with Planning Department approval (Series B site plan):~~ *(to be reordered alphabetically with above)*

Animal hospital, subject to 410-34B.
 Auction house or gallery, subject to 410-34E.
 Automatic teller machine (drive-up), subject to 410-34F.
 Bank and financial institutions, subject to 410-34I.
 Bank, drive-through, subject to 410-34J.
 Banquet/Catering facility, subject to 410-34K.

Building contractor office and yard, [subject to 410-34M.](#)
 Contractor's office and yard, building, [subject to 410-34N.](#)
 Contractor's office and yard, heavy construction, [subject to 410-34O.](#)
 Cultural facilities/museums, [subject to 410-34Q.](#)
 Flea market, long-term, [subject to 410-34R.](#)
 Health/Sport club, [subject to 410-34S.](#)
 Kennel, commercial, [subject to 410-34U.](#)
 Monument manufacture and sales, [subject to 410-34V.](#)
 Parcel delivery, [subject to 410.29DD.](#)
 Parking, ancillary, [subject to 410.29EE.](#)
 Restaurant, drive-through, [subject to 410.29FF.](#)
 Retail drive-through, [subject to 410.29II.](#)
 Tire, muffler, brake, shock absorber, and related sales and service, [subject to 410.29MM.](#)
 Wayside stand, [subject to 410.29OO.](#)
 Wholesale trade and storage, [subject to 410.29PP.](#)

(3) Permitted with Planning Commission approval, [pursuant to Article VIII](#) (special use permit and Series A site plan):

Adult bookstore, [subject to 410-41A\(1\)](#)
 Adult entertainment establishment, [subject to 410-41A\(2\)](#)
 Adult novelty store, [subject to 410-41A\(3\)](#)
 Automobile mechanical washing business
 Automobile rental/leasing facility
 Automobile repair shop, [subject to 410-41A\(4\)](#)
 Automobile sales, new, [subject to 410-41A\(5\)](#)
 Automobile sales, used (major) , [subject to 410-41A\(6\)](#)
 Automobile service station, [subject to 410-41A\(7\)](#)
 Automotive hand washing business
 Bakery, wholesale
 Building supply yard, [subject to 410-41A\(8\)](#)
 Bus depot
 Clinic, medical, diagnostic or treatment center
 Club or lodge, membership
 Community center
 Construction equipment sales, storage, and maintenance, [subject to 410-41A\(9\)](#)
 Crematory
 Department store
 Dry-cleaning plant
 Eleemosynary/Philanthropic organization
 Feed warehouse
 Fraternity/Sorority house
 Funeral home
 Gasoline, convenience market
 Heavy vehicle maintenance and storage facility
 Hotel and motel, [subject to 410-41A\(11\)](#)
 Industrial, light
 Industrial, medium
[Industrial, research and development](#)
 Industrial park
 Laboratory, research and testing
 Machine, sheet metal and welding shop, [subject to 410-41A\(12\)](#)
 Microbrewery
 Motor truck freight terminal, [subject to 410-41A\(14\)](#)
 Parking area, public, [subject to 410-41A\(15\)](#)
 Printing or publishing facility

Radio and television transmitting station
 Rail freight terminal, subject to 410-41A(17)
 Railroad facility
 Railroad station
 Recreation use, commercial indoor
 Recreation use, commercial outdoor
 Recreation use, racetrack
 Recreation vehicles, sales and repair
 Schools, business/commercial/trade/vocational
 Schools, colleges, universities, and professional
 Self-service storage warehouse, subject to 410-41A(19)
 Shopping center, subject to 410-41A(20)
 Supermarket
 Tavern, nonalcoholic
 Taxicab/Personal transport business (with repairs and/or exterior storage of vehicles)
 Telecommunications facility, subject to 410-41A(21)
 Transfer station/redemption center, recyclable materials, subject to 410-41A(26)
 Transfer station, solid waste or construction and demolition debris, subject to 410-41A(27)
 Vehicle impound yard, subject to 410-41A(28)
 Zoo/Aquarium

I. I-3 Heavy Industrial District.

(1) Permitted by right, subject to Article IX:

Animal clinic
 Antiques
 Art gallery
 Automotive detailing business
 Automotive parts and accessories establishment
 Bakery retail
 Banquet/Catering facility
 Barbershop/Beauty parlor
 Brew pub
 Catering service
 Dry-cleaning establishment
 Flea market, short-term
 Food delivery establishment
Food sales, general, excluding Supermarkets
 Greenhouse, commercial
 Human service agency
 Laundromat
 Liquor store
 Nightclub
 Nonalcoholic nightclub
 Office, business
 Office, professional
 Office, professional health-related
 Oil change, lube, and related sales and service facility
 Pawnshop/Swap shop
Personal instruction and improvement
 Personal service establishment
 Pet grooming shop
 Photocopy and related printing service
 Rental service store
 Repair shop and sales, small appliances and office equipment
 Restaurant, ~~sit down~~ full service

Restaurant, ~~take-out/carry-out~~ limited service, café
Retail beverage/recycling center
Retail or service business, general
Studio
Studio, broadcast
Tavern
Taxicab/Personal transport business (no repairs or exterior storage of vehicles)
Telephone switching facility
Therapeutic massage office
Thrift shop/secondhand store
Towing service (with no accessory storage)
Travel agency
Video rental shop

~~(2) Permitted with Planning Department approval (Series B site plan):~~ *(to be reordered alphabetically with above)*

Animal hospital, subject to 410-34B.
Auction house or gallery, subject to 410-34E.
Automatic teller machine (drive-up), subject to 410-34F.
Automobile sales, used (minor), subject to 410-34G.
Bank and financial institutions, subject to 410-34I.
Bank, drive-through, subject to 410-34J.
Banquet/Catering facility, subject to 410-34K.
Building contractor office and yard, subject to 410-34M.
Contractor's office and yard, building, subject to 410-34N.
Contractor's office and yard, heavy construction, subject to 410-34O.
Cultural facilities/museums, subject to 410-34Q.
Flea market, long-term, subject to 410-34R.
Health/Sport club, subject to 410-34S.
Kennel, commercial, subject to 410-34U.
Monument manufacture and sales, subject to 410-34V.
Parcel delivery, subject to 410.29DD.
Parking, ancillary, subject to 410.29EE.
Restaurant, drive-through, subject to 410.29FF.
Retail drive-through, subject to 410.29II.
Tire, muffler, brake, shock absorber, and related sales and service, subject to 410.29MM.
Wayside stand, subject to 410.29OO.
Wholesale trade and storage, subject to 410.29PP.

(3) Permitted with Planning Commission approval, pursuant to Article VIII-(special use permit and Series A site plan):

Adult bookstore, subject to 410-41A(1)
Adult entertainment establishment, subject to 410-41A(2)
Adult novelty store, subject to 410-41A(3)
Automobile mechanical washing business
Automobile rental/leasing facility
Automobile repair shop, subject to 410-41A(4)
Automobile sales, new, subject to 410-41A(5)
Automobile sales, used (major), subject to 410-41A(6)
Automobile service station, subject to 410-41A(7)
Automotive hand washing business
Bakery, wholesale
Building supply yard, subject to 410-41A(8)
Bus depot

Clinic, medical, diagnostic or treatment center
 Club or lodge, membership
 Community center
 Construction equipment sales, storage, and maintenance, subject to 410-41A(9)
 Crematory
 Department store
 Dry-cleaning plant
 Eleemosynary/Philanthropic organization
 Feed warehouse
 Fraternity/Sorority house
 Funeral home
 Gasoline, convenience market
 Heavy vehicle maintenance and storage facility
 Hotel and motel, subject to 410-41A(11)
 Industrial, heavy
 Industrial, light
 Industrial, medium
Industrial, research and development
 Industrial park
 Laboratory, research and testing
 Machine, sheet metal and welding shop, subject to 410-41A(12)
 Microbrewery
 Motor truck freight terminal, subject to 410-41A(14)
 Parking area, public, subject to 410-41A(15)
 Printing or publishing facility
 Radio and television transmitting station
 Rail freight terminal, subject to 410-41A(17)
 Railroad facility
 Railroad station
 Recreation use, commercial indoor
 Recreation use, commercial outdoor
 Recreation use, racetrack
 Recreation vehicles, sales and repair
 Schools, business/commercial/trade/vocational
 Schools, colleges, universities, and professional
 Self-service storage warehouse, subject to 410-41A(19)
 Shopping center, subject to 410-41A(20)
 Supermarket
 Tavern, nonalcoholic
 Taxicab/Personal transport business (with repairs and/or exterior storage of vehicles)
 Telecommunications facility, subject to 410-41A(21)
 Transfer station/redemption center, recyclable materials, subject to 410-41A(26)
 Transfer station, solid waste or construction and demolition debris, subject to 410-41A(27)
 Vehicle impound yard, subject to 410-41A(28)
 Vehicle salvage facility, subject to 410-41A(29)
 Zoo/Aquarium

§410-34. Special conditions for certain land uses in commercial and industrial zoning districts. [Amended 7-20-09 by Ord. No. 23-2009]

~~Certain If~~ and uses listed in Schedule II as being "Permitted with ~~Planning Department approval (Series B site plan review)by right~~" shall not be considered permitted until the Supervisor of the Office of Building and Construction is satisfied that there is compliance with applicable conditions as set forth in this §410-34.

GG. A restaurant, ~~sit-down~~full-service, in the C-5 and C-6 Districts is permitted when:

- (1) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.
- (2) A landscaped area at least five feet wide shall be provided adjacent to public streets and alongside and rear property lines.
- (3) There shall be no outside storage of garbage or waste material which is visible from the street.

HH. A restaurant, ~~take-out/carry-out~~ limited service, café, in the C-5 and C-6 Districts is permitted when:

- (1) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.
- (2) A landscaped area at least five feet wide shall be provided adjacent to public streets and alongside and rear property lines.
- (3) There shall be no outside storage of garbage or waste material which is visible from the street.

PP. Wholesale trade and storage in the C-1, C-2, C-6, I-1, I-2, and I-3 Districts is permitted when:

- (1) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.
- (2) A landscaped area at least five feet wide shall be provided adjacent to public streets and alongside and rear property lines.
- (3) Access drives shall be no wider than 30 feet and shall be clearly defined by curbs.
- (4) Outdoor storage of material and parking or loading facilities shall be located no less than 10 feet from any front lot line and no less than five feet from any other lot line.

ARTICLE VIII, Special Use Permit/Series A Site Plan Review Requirements

§410-36. Applicability. [Amended 3-2-09 by Ord. No. 9-2009]

A. Special Use Permit/Series A Site Plan approval from the Planning Commission pursuant to §410-39 of this Article VIII is required for ~~all new construction, for all commercial uses, for all special permitted uses requiring a special use permit, for all principal permitted and accessory uses, for all changes of use,~~ and as required by §410-27 or §410-~~29-32~~ of this Chapter. No building permit shall be authorized or issued by the Supervisor of Building Construction Inspector, or his designee, for any use which requires site plan approval except upon authorization determination of ~~an in~~ conformity with plans approved by the Planning Commission.

~~B. Exceptions. Notwithstanding Subsection A of this section, no Series A Site Plan approval is required for: (i) single and two family dwellings and accessory uses thereto, except as may be required by §410-27 or §410-29 of this Chapter; or (ii) any change of use from one principal permitted or accessory use to another principal permitted or accessory use, including changes of use within a permitted multiple use, e.g. a shopping center, and where no exterior alterations or additions are proposed, provided the Planning Department and Building Inspector determine that the proposed change of use will not have any significant impact on:~~

- ~~1. Traffic volume~~
- ~~2. Site access~~
- ~~3. On site and off site parking~~
- ~~4. Internal circulation~~
- ~~5. Neighborhood noise levels~~
- ~~6. Green space (The proposed project will not have created a need for additional landscaping, screening, or buffering)~~
- ~~7. Drainage~~
- ~~8. Character of the neighborhood~~
- ~~9. Lighting~~

~~—The list of items to be considered above is inclusive, but is not exclusive, and the Planning Department and Building Inspector may consider any environmental or development issues that would have a significant impact on the parcel and/or the surrounding area.~~

CB. A special use permit/ ~~and/or~~ Series A site plan review which has been authorized for a specific land use is not transferable and does not apply to any other land use.

§410-39. Procedure. [Amended 3-2-09 by Ord. No. 9-2009]

A. Application. Application for a special use permit/Series A site plan review shall be made to ~~the Supervisor of the Office of Building and Construction, who shall receive such application and refer it~~ to the Planning Department for processing.

B. Material to be submitted. An application for a special use permit/Series A site plan review shall be accompanied by any written and graphic material which ~~the applicant feels~~ will best support and illustrate the request. Processing of the application by the Planning Department may be delayed until adequate descriptive and illustrative material is provided. At a minimum, the information specified on the special use permit/Series A site plan review application shall be submitted.

D. Public hearing and public notices.

- (1) Public hearing. The Planning Commission shall hold a public hearing on the Special Use Permit/Series A Site Plan review application within 45 days from the date a complete application is received by the Planning Department and the Planning Commission completes the required State Environmental Quality Review. The Planning Commission may, but is not required to, waive a public hearing for accessory uses.

(2) Public notice by Applicant.

- (a) Newspaper. Notice of any public hearing shall be published in the official newspaper of the City of Binghamton (the Press and Sun Bulletin) at least ~~10-7~~ calendar days prior to the date of the hearing, excluding the hearing date

- (b) Certified mailings. Additionally, at least ~~10-7~~ calendar days prior to the public hearing, notice thereof shall be sent by certified mail, return receipt requested, to the owners of record and all other properties within a distance of 100 feet from the boundary of the subject property and to the regional state park commission when the subject property is within 500 feet of any state park or parkway.
- (c) Public notice sign. At least ~~10-7~~ calendar days prior to the public hearing, excluding the hearing date, a public notice sign shall be posted on the property. The sign(s) shall contain information specific to the applicant's case, such as the time, date, and location of the hearing, the types of variances required, and the proposed action. One sign shall be required for every 300 linear feet of property frontage. The sign(s) must be placed in either the front yard or a visible window when no front yard exists. If the property is a corner lot, one sign must be placed in each front yard.
- (d) Verification of notice. Verification of notice as required by this §410-39D shall be submitted to the Planning Department at least five calendar days prior to the public hearing. Such verification shall consist of a statement from the Press and Sun-Bulletin and the return receipt form (PS Form 3811) from the post office.
- (e) Cost. The preparation and cost of publication, mailing of required notice of public hearing, and sign posting shall be borne by the applicant.

(3) Alternative Public Notice by Planning Department. Upon receipt of payment of a notification fee as set by the City Council an applicant may choose to have the Planning Department provide Public notice to the official newspaper of the City of Binghamton (the Press and Sun Bulletin) and to complete mailings. The applicant shall still be responsible for posting the Public notice sign.

- (a) Newspaper. Notice of any public hearing shall be published in the official newspaper of the City of Binghamton (the Press and Sun Bulletin) at least 10 calendar days prior to the date of the hearing, excluding the hearing date.
- (b) Mailings. Additionally, at least 7 calendar days prior to the public hearing, notice thereof shall be sent by U.S. mail to the owners of record and all other properties within a distance of 100 feet from the boundary of the subject property and to the regional state park commission when the subject property is within 500 feet of any state park or parkway.
- (c) Public notice sign posted by Applicant. At least 7 calendar days prior to the public hearing, excluding the hearing date, a public notice sign shall be posted on the property by the applicant. The sign(s) shall contain information specific to the applicant's case, such as the time, date, and location of the hearing, the types of variances required, and the proposed action. One sign shall be required for every 300 linear feet of property frontage. The sign(s) must be placed in either the front yard or a visible window when no front yard exists. If the property is a corner lot, one sign must be placed in each front yard.
- (d) Verification of notice. Verification of notice as required by this §410-39D shall be prepared by the Planning Department at least five calendar days prior to the public hearing. Such verification shall consist of a statement from the Press and Sun-Bulletin and a signed affidavit of notice prepared by the Planning Department.
- (e) Cost. The preparation and cost of publication, mailing of required notice of public hearing, and sign posting shall be borne by the applicant.

§410-40. General requirements.

- A. Approval of any application for a special use permit/Series A site plan review may be conditioned on the provision of adequate safeguards to protect the health, safety and general welfare of the public and to mitigate possible detrimental effects on adjacent property. To this end, before a special use permit/Series A site plan review application is approved, the Planning Commission shall determine that the following general requirements have been met, as well as any other applicable specific requirements for certain land uses as may be set forth in §410-41 and Article IX of this chapter.

§410-41. Additional requirements for certain land uses. [Amended 7-20-09 by Ord. No. 23-2009]

- A. In addition to the general requirements specified in §410-40 above and the provisions of Article IX of this chapter, which are applicable to all special use permit/Series A site plan review requests, the specific requirements

for certain land uses as set forth in this section shall be complied with unless such requirements are modified by the Planning Commission. Additional requirements are as follows:

(1) An adult bookstore in the I-2 and I-3 Districts is permitted when:

~~_(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~

~~(b_a)~~ No such facility shall be located less than 500 feet from the boundary of any residential district or residence, place of worship, school, church or playground in any district.

~~(e_b)~~ No such facility shall be located less than 500 feet from the nearest lot line of another lawfully established adult bookstore, adult novelty store, or adult entertainment establishment.

(2) An adult entertainment establishment in the I-2 and I-3 Districts is permitted when:

~~_(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~

~~(b_a)~~ No such facility shall be located less than 500 feet from the boundary of any residential district.

~~(e_b)~~ No such facility shall be located less than 500 feet from the nearest lot line of another lawfully established adult entertainment establishment, adult bookstore, or adult novelty store.

(3) An adult novelty store in the I-2 and I-3 Districts is permitted when:

~~_(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~

~~(b_a)~~ No such facility shall be located less than 500 feet from the boundary of any residential district.

~~(e_b)~~ No such facility shall be located less than 500 feet from the nearest lot line of another lawfully established adult novelty store, adult bookstore, or adult entertainment establishment.

~~_(b_c)~~ Required stacking spaces shall not interfere with the entrance and exit of vehicles and shall not extend onto any public street.

~~(8) An automobile rental/leasing facility in the C-1, I-2, and I-3 Districts is permitted when:~~

~~_(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~

~~(94)~~ An automobile repair shop in the C-1, I-2, and I-3 Districts is permitted when:

~~_(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~

~~(b_a)~~ No outside storage of materials is permitted in the required front and side setback areas.

~~(e_b)~~ No outdoor storage of vehicle parts, waste products, or other materials is permitted unless appropriately screened from view.

~~(d_c)~~ The number of unregistered and/or unlicensed vehicles permitted in the open shall not exceed a number equal to the number of repair bays located on that property. Any other unregistered and/or unlicensed vehicles must be relocated to a completely enclosed garage or removed from the property.

~~(e_d)~~ No outdoor storage of tires shall be permitted at any time.

~~(105)~~ Automobile sales, new, in the C-1, I-2, and I-3 Districts is permitted when:

~~_(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~

~~(b_a)~~ The number of unregistered and/or unlicensed vehicles permitted in the open shall not exceed a number equal to the number of repair bays located on that property. Any other unregistered and/or unlicensed vehicles must be relocated to a completely enclosed garage or removed from the property.

~~(e_b)~~ No outdoor storage of tires shall be permitted at any time.

~~(d_c)~~ No outside storage of materials is permitted in the required front and side setback areas.

~~(e_d)~~ No outdoor storage of vehicle parts, waste products, or other materials is permitted unless appropriately screened from view.

~~(116)~~ Automobile sales, used (major), in the C-1, I-2, and I-3 Districts is permitted when:

~~_(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~

- (~~ba~~) The number of unregistered and/or unlicensed vehicles permitted in the open shall not exceed a number equal to the number of repair bays located on that property. Any other unregistered and/or unlicensed vehicles must be relocated to a completely enclosed garage or removed from the property.
 - (~~eb~~) No outdoor storage of tires shall be permitted at any time.
 - (~~dc~~) No outside storage of materials is permitted in the required front and side setback areas.
 - (~~ed~~) No outdoor storage of vehicle parts, waste products, or other materials is permitted unless appropriately screened from view.
- (~~127~~) An automobile service station in the C-1, C-4, I-2, and I-3 Districts is permitted when:
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
 - (~~ba~~) No outdoor storage of vehicle parts, waste products, or other materials is permitted unless appropriately screened from view.
 - (~~eb~~) The number of unregistered and/or unlicensed vehicles permitted in the open shall not exceed a number equal to the number of repair bays located on that property. Any other unregistered and/or unlicensed vehicles must be relocated to a completely enclosed garage or removed from the property.
 - (~~dc~~) No outdoor storage of tires shall be permitted at any time.
 - (~~ed~~) No outside storage of materials is permitted in the required front and side setback areas.
- ~~(13) A bakery, wholesale, in the I-2 and I-3 Districts is permitted when:~~
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(14) A bed and breakfast inn in the R-3 District is permitted when:~~
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(15) A boardinghouse in the R-3 District is permitted when:~~
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(16) A bowling alley in the C-4 District is permitted when:~~
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- (~~178~~) A building supply yard in the I-2 and I-3 Districts is permitted when:
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
 - (~~ba~~) No outside storage of materials is permitted in the required front and side setback areas.
- ~~(18) A bus depot in the C-1, C-2, I-2, and I-3 Districts is permitted when:~~
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(19) A clinic, medical, diagnostic or treatment center in the C-1, C-2, C-3, C-4, I-2, and I-3 Districts is permitted when:~~
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(20) A club or lodge, membership, in the C-1, C-2, C-4, I-2, and I-3 Districts is permitted when:~~
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(21) A community center in the C-1, C-2, C-4, I-2, and I-3 Districts is permitted when:~~
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(22) A community residential facility community residences for youth (group homes) in the R-3 District is permitted when:~~
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(23) A community residential facility alcohol or drug user community support residences in the R-3 District is permitted when:~~

- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(24) A community residential facility community residence, other, in the R-3 District is permitted when:~~
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(25) Construction equipment sales, storage, and maintenance in the I-2 and I-3 Districts is permitted when:~~
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(b) No outside storage of materials is permitted in the required front and side setback areas.~~
- ~~(26) A convalescent/nursing home: health related nursing facility in the R-3 and I-1 Districts is permitted when:~~
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(27) A convalescent/nursing home: skilled nursing facility in the R-3 and I-1 Districts is permitted when:~~
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(28) A crematory in the C-1, C-4, I-2, and I-3 Districts is permitted when:~~
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(29) Cultural facilities/museums in the C-4 and C-5 Districts are permitted when:~~
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(30) A department store in the C-1, C-2, I-2, and I-3 Districts is permitted when:~~
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(31) A dormitory, off-campus, in the C-1 and C-2 Districts is permitted when:~~
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(32) A dry-cleaning plant in the C-1, I-2, and I-3 Districts is permitted when:~~
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(33) 10) A dwelling, manufactured home, in the R-1 District is permitted when:~~
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(b) A permanent foundation is required. No posts, pillars, columns, etc. are permitted.~~
- ~~(c) No skirting is permitted.~~
- ~~(34) An eleemosynary/philanthropic organization in the C-1, C-2, C-4, C-5, C-6, I-2, and I-3 Districts is permitted when:~~
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(35) A feed warehouse in the I-2 and I-3 Districts is permitted when:~~
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(36) A fraternity/sorority house in the C-1, C-2, C-4, I-2, and I-3 Districts is permitted when:~~
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(37) A funeral home in the C-1, C-2, C-4, C-5, I-2, and I-3 Districts is permitted when:~~
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(38) A gasoline, convenience market in the C-1, C-4, I-2, and I-3 Districts is permitted when:~~
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(39) A halfway house in the C-1 and C-2 Districts is permitted when:~~
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~

- ~~(40) A heavy vehicle maintenance and storage facility in the I-2 and I-3 Districts is permitted when:~~
~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(41) A hospice facility in the R-3 District is permitted when:~~
~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(42) A hospital, medical center in the C-3 District is permitted when:~~
~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(4311)~~ A hotel and motel in the C-1, C-2, I-1, I-2, and I-3 Districts is permitted when:
~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
~~(ba)~~ No building shall be located less than 50 feet from the lot line of an existing residence.
~~(eb)~~ No off-street parking shall be located less than 15 feet from the lot line of an existing residence.
- ~~(44) Industrial, heavy, in the I-3 District is permitted when:~~
~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(45) Industrial, light, in the C-1, C-2, I-1, I-2, and I-3 Districts is permitted when:~~
~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(46) Industrial, medium, in the C-1, C-2, I-1, I-2, and I-3 Districts is permitted when:~~
~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(47) An industrial park in the I-1, I-2, and I-3 Districts is permitted when:~~
~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(48) A laboratory, research and testing, in the C-1, C-2, C-3, I-1, I-2, and I-3 Districts is permitted when:~~
~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(4912)~~ A machine, sheet metal and welding shop in the C-1, I-2, and I-3 Districts is permitted when:
~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
~~(ba)~~ No outdoor storage of parts, waste products, or other materials is permitted unless appropriately screened from view.
~~(eb)~~ The provisions of Chapter 292, Noise, of the Code of the City of Binghamton, are complied with.
- ~~(50) A methadone facility in the C-3 District is permitted when:~~
~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(51) A microbrewery in the C-1, C-4, I-2, and I-3 Districts is permitted when:~~
~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(5213)~~ A miniature golf establishment in the C-4 District is permitted when:
(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.
(b) Hours of operation shall not extend after 12:00 midnight or begin before 8:00 a.m.
- ~~(53) A mission/homeless shelter in the C-1 District is permitted when:~~
~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(5414)~~ A motor truck freight terminal in the I-2 and I-3 Districts is permitted when:
~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
~~(ba)~~ No vehicles shall be parked overnight with their motors running.
~~(eb)~~ No vehicles shall leave their motors running or idling for longer than a period of 15 minutes.

- ~~(55) A multi-unit dwelling: new construction or conversion of existing building into five or more units in the R-3 and I-1 Districts is permitted when:~~
~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(56)15~~ A parking area, public, in the R-3, C-1, C-2, C-3, C-4, C-5, I-1, I-2, and I-3 Districts is permitted when:
~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
~~(b)a~~ If the use is proposed in the R-3 District, the site plan must comply with lot coverage requirements for the C-4 District.
- ~~(57)16~~ A place of worship in the R-1, R-2, and R-3 Districts is permitted when:
~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
~~(b)a~~ No structure shall be located less than 30 feet from an abutting residential lot line.
~~(e)b~~ In the R-1 and R-2 Districts, approval or denial of a special use permit application shall be a determination of City Council after a public hearing has been held by the Planning Commission and a Series A site plan review report has been received from the Planning Commission.
- ~~(58) A printing or publishing facility in the C-1, C-2, I-2, and I-3 Districts is permitted when:~~
~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(59) A private school: primary and secondary in the R-1, R-2, and R-3 Districts is permitted when:~~
~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(60) Public buildings, including elementary and secondary schools, in the R-1, R-2, and R-3 Districts are permitted when:~~
~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(61) A radio and television transmitting station in the C-1, C-2, I-2, and I-3 Districts is permitted when:~~
~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(62)17~~ A rail freight terminal in the C-1, C-2, I-2, and I-3 Districts is permitted when:
~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
~~(b)a~~ Approval or denial of a special use permit application shall be a determination of City Council after a public hearing has been held by the Planning Commission and a Series A site plan review report has been received from the Planning Commission.
- ~~(63) A railroad facility in the C-1, C-2, I-2, and I-3 Districts is permitted when:~~
~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(64) A railroad station in the C-1, C-2, I-2, and I-3 Districts is permitted when:~~
~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(65) A recreation use, commercial indoor, in the C-1, C-2, I-2, and I-3 Districts is permitted when:~~
~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(66) A recreation use, commercial outdoor, in the C-1, C-2, I-2, and I-3 Districts is permitted when:~~
~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(67)18~~ A recreation use, racetrack, in the R-3 District is permitted when:
~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
~~(b)a~~ The lot on which such facility is located shall be at least 10,000 square feet in area with a frontage of at least 100 feet.
~~(e)b~~ No portion of the track area shall be located less than 20 feet from any residential lot line or an abutting public street.

- (~~de~~) An appropriate buffer strip shall be provided between such use and any abutting residential district or residential property.
- (~~ed~~) A solid fence shall be constructed around such track with a minimum height of three feet and a maximum height of four feet.
- (~~fe~~) Such track shall be solely recreational and no business, including the sale of motor oil, fuel, gasoline, small engine replacement parts, prepackaged foods, soft drinks and/or snack foods, shall be permitted.
- (~~gf~~) No more than five gallons of fuel or two gallons of used or new motor oil may be stored on the property at any time, and if stored must be at all times be maintained in containers meeting or surpassing all state and/or federal regulations applicable to storage of fuels and motor oil.
- (~~hg~~) The permit must be displayed at all times.
- (~~ih~~) The racetrack is limited to motorized vehicles that are owned and maintained by the owner or lessee of the subject property.
- (~~ji~~) The Planning Commission has the authority to prevent the construction of viewing areas and/or grandstands for the protection of the residents as well as the aesthetics of the neighborhood.
- (~~kj~~) No track lighting is permitted.
- (~~lk~~) Hours of operation are limited to 10:00 a.m. through 8:00 p.m.
- (~~ml~~) The track must be located to the rear of the residential structure and shall not be located in any required front and side yard setback areas.

~~(68) Recreation vehicles, sales and repair in the C-1, I-2, and I-3 Districts is permitted when:~~
~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~

~~(69) A respite care facility in the R-3 District is permitted when:~~
~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~

~~(70) A retreat house in the R-3 District is permitted when:~~
~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~

~~(71) A rooming house, new construction or conversion of existing building in the R-3 District is permitted when:~~
~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~

~~(72) Schools, business/commercial/trade/vocational, in the C-1, C-2, I-1, I-2, and I-3 Districts are permitted when:~~
~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~

~~(73) Schools, colleges, universities, and professional, in the C-1, C-2, I-1, I-2, and I-3 Districts are permitted when:~~
~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~

~~(74)19~~ A self-service storage warehouse in the C-1, I-2, and I-3 Districts is permitted when:
~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
~~(b)1~~ No outside display of rental items shall be located in any required front yard setback area.

~~(75)20~~ A shopping center in the C-1, C-2, C-4, I-2, and I-3 Districts is permitted when:
~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
~~(b)1~~ No portion of a lot submitted as a shopping center shall subsequently be subdivided into individual lots without Planning Commission approval.

~~(76) A supermarket in the C-1, C-2, C-4, I-2, and I-3 Districts is permitted when:~~
~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~

~~(77) A tavern, nonalcoholic, in the I-2 and I-3 Districts is permitted when:~~
~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~

- ~~(78) A taxicab/personal transport business (with repairs and/or exterior storage of vehicles) in the C-1, C-2, I-2, and I-3 Districts is permitted when:~~
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(7921) A telecommunications facility in the C-1, C-2, I-1, I-2, and I-3 Districts is permitted when:~~
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(ba) The facility complies with §410-42, Telecommunications facilities and towers.~~
- ~~(8022) Tire, muffler, brake, shock absorber, and related sales and service in the C-4 District is permitted when:~~
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(ba) No outdoor storage of vehicle parts, waste products, or other materials is permitted unless appropriately screened from view.~~
- ~~(eb) The number of unregistered and/or unlicensed vehicles permitted in the open shall not exceed a number equal to the number of repair bays located on that property. Any other unregistered and/or unlicensed vehicles must be relocated to a completely enclosed garage or removed from the property.~~
- ~~(ec) No outdoor storage of tires shall be permitted at any time.~~
- ~~(8123) A townhouse with five or more dwelling units in the R-3 District is permitted when:~~
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(ba) No parking space shall be less than five feet from the side lot line of any end unit.~~
- ~~(8224) A townhouse with four or fewer dwelling units in the R-2 District is permitted when:~~
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(ba) No parking space shall be less than five feet from the side lot line of any end unit.~~
- ~~(8325) Townhouses with two units in the R-1 District are permitted when:~~
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(ba) No parking space shall be less than five feet from the side lot line of any end unit.~~
- ~~(8426) A transfer station/redemption center, recyclable materials, in the I-2 and I-3 Districts is permitted when:~~
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(ba) Approval or denial of a special use permit application shall be a determination of City Council after a public hearing has been held by the Planning Commission and a Series A site plan review report has been received from the Planning Commission.~~
- ~~(8527) A transfer station, solid waste or construction and demolition debris, in the I-2 and I-3 Districts is permitted when:~~
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(ba) Approval or denial of a special use permit application shall be a determination of City Council after a public hearing has been held by the Planning Commission and a Series A site plan review report has been received from the Planning Commission.~~
- ~~(8628) A vehicle impound yard in the I-2 and I-3 Districts is permitted when:~~
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(ba) Unlicensed vehicles must be contained within a screened lot by means of a privacy fence.~~
- ~~(8729) A vehicle salvage facility in the I-3 District is permitted when:~~
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(ba) All unlicensed vehicles must be contained within a screened lot.~~
- ~~(88) A zoo/aquarium in the C-1, C-2, I-2, and I-3 Districts is permitted when:~~

~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~

ARTICLE IX, Site Plan Review and Approval

§410-45. Categories of review.

Those uses for which site plan approval must be obtained in accordance with the provisions of this Article IX shall fall into one of the following categories:

A. ~~A.~~—Series A: that group of land uses and activities which is likely to have a broad and significant impact on the physical, environmental, social or economic character of the surrounding neighborhood and the City. Review of, and decision on, any Series A site plan approvals shall be made by the Planning Commission ~~and shall require a public hearing in accordance with §410-46D.~~

Series A Site Plan approval from the Planning Commission pursuant to §410-46 of this Article IX is required for all new construction, for all commercial uses, for all uses requiring a special use permit, for all principal permitted and accessory uses, for all changes of use, and as required by §410-27 or §410-29 of this Chapter. No building permit shall be issued by the Building Inspector for any use which requires site plan approval except upon authorization of an in conformity with plans approved by the Planning Commission.

A. ~~B.~~—Series ~~B~~ A Exception: that group of land uses and activities which will have limited effect on the physical, environmental, social or economic character of the surrounding neighborhood but which could seriously impact adjacent properties. Review of, and decision on, any Series ~~B-A~~ site plan ~~approvals-exceptions~~ shall be made by the Planning Department in accordance with the provisions of 410-36B, except that the staff may request that such review and decision be made by the Planning Commission. No public hearing shall be held on Series ~~B-A~~ exception reviews unless the Planning Department requests that review and decision be made by the Planning Commission. In such case, the hearing provisions of §410-46D shall be applied. For projects that do not involve or require exterior alterations or additions, an approved site plan may not be required, except in the case where a site plan is necessary to verify compliance with any provision of the City of Binghamton Code of Ordinances or the NY State Code.

B. ~~Exceptions. Notwithstanding Subsection A of this section, no Series A Site Plan approval is required for:~~

- (i) single- and two-family dwellings and accessory uses thereto, except as may be required by §410-27 or §410-29 of this Chapter;
- (ii) any change of use from one principal permitted or accessory use to another principal permitted or accessory use, including changes of use within a permitted multiple use, e.g. a shopping center, except when involving new construction then 410-36A shall apply, and provided that the Planning Department and Building Official have determined that the proposed change of use will not have any significant impact on:
 - 1. Traffic volume
 - 2. Site access
 - 3. On-site and off-site parking
 - 4. Internal circulation
 - 5. Neighborhood noise levels
 - 6. Green space (The proposed project will not have created a need for additional landscaping, screening, or buffering)
 - 7. Drainage
 - 8. Character of the neighborhood
 - 9. Lighting

The list of items to be considered above is inclusive, but is not exclusive, and the Planning Department and Supervisor of Building Construction, or designee, may consider any environmental or development issues that could have a significant impact on the parcel and/or the surrounding area.

§410-46. Procedure.

A. Application. Application for a ~~building and use permit for any land use or activity requiring~~ site plan review and approval shall be made ~~to the Supervisor of the Office of Building and Construction, who shall receive such application and refer it~~ to the Planning Department for processing.

C. Plan requirements.

- (1) A final plan for any land use or activity requiring site plan review and approval shall be prepared and submitted to the Planning Department. Such final plan shall, at a minimum, contain the following information as applicable:

D. Plan approval.

- ~~(1) —Hearing and notice. Before a decision is made the Planning Commission shall hold a public hearing on all Series A site plan reviews on which it is authorized to act, and on any Series B site plan reviews on which it is requested to act by the Planning Department. Such hearing shall be held within 45 days from the day a complete final site plan is submitted to the Planning Department. Notice of such hearing shall occur as per §410-39D of this chapter.~~
- (21) Decision. Within 45 days ~~from the date of a public hearing, or~~ from the date a complete final plan is submitted to the Planning Commission or Planning Department ~~if no hearing is required,~~ a decision to approve, with or without modification, or disapprove the application shall be made by the Planning Commission or the Planning Department, as appropriate. Such forty-five-day period may be extended by mutual consent of the applicant and the deciding body.

ARTICLE X, Off-Street Parking, Loading and Storage [Amended 12-21-2011 by Ord. No. 51-2011]

§410-50. Intent.

- C. Changes to existing buildings, structures and land uses. Whenever the current use of a building, structure or land shall hereafter be expanded or changed to a new use, parking and loading shall be provided in an amount equal to the requirements contained in Section 410.53 for the expanded or new use. Additional off-street parking and loading spaces shall only be required to serve the enlarged or expanded area, not the entire building or use. For buildings containing multiple uses, additional parking and loading shall only be required for the portion of the building to be expanded or the portion of a use to be expansion or for a new use.

§410-51. Standards.

E. Location.

- (1) Except as may otherwise be specified in this chapter, all required parking spaces in R-1 and R-2 Residential Districts shall be located on the same lot as the building or use to be served. In other districts, required off-street parking space may be provided in a private or public off-site facility. The distance from the lot line of such off-site parking facility to the closest lot line of the building or use it is intended to serve shall be no greater than 250 feet for the R-3 Residential District, and ~~500~~800 feet from all commercial and industrial districts.

§410-53. Off-street parking requirements by land use.

- ~~A. A.—Downtown Business (C-2) District. Off-street parking requirements shall not apply to any existing buildings located in the Downtown Business (C-2) District where no parking presently exists and there is no opportunity to provide it.~~
- ~~B. In all Zoning Districts except the C-2, off-street parking requirements contained in Schedule III shall not apply to a non-residential land use occupying two-thousand five-hundred (2,500) square feet or less in gross floor area and located within an existing structure or portion thereof, which was constructed, established, wholly reconstructed, or moved onto a new lot prior to the effective date of the Zoning Code or any amendment thereto.~~
- ~~C. In all Zoning Districts except the C-2, a non-residential land use occupying greater than two-thousand five-hundred (2,500) square feet of gross floor area and located within an existing structure or portion thereof, which was constructed, established, wholly reconstructed, or moved onto a new lot prior to the effective date of the~~

Zoning Code or any amendments thereto, shall only be required to provide off-street parking as prescribed in Schedule III for the portion of the floor area that exceeds 2,500 square feet.

D. Existing Parking and Loading to Be Maintained. No existing parking space(s) or loading space(s) serving any activity or use shall be reduced in amount or changed in design, location, or maintenance that would result in non-compliance with the Zoning Code, or if providing an amount of off-street parking or loading area less than required, shall not be further reduced below the requirements prescribed in Schedule III for such activity or use, unless equivalent substitute parking and/or loading space(s) are provided.

E. Reduction of off-street parking requirements for Landmark Properties. The Planning Commission may reduce or waive the minimum off-street parking requirement for a permitted use in a designated Local Landmark structure or structure listed in the National Register of Historic Places, subject to the following criteria and procedures:

1. In making any such reduction or waiver, the Planning Commission shall assess area parking needs. The Commission may require a survey of on- and off-street parking availability. The Commission may take into account the level of transit service in the immediate area; the probable relative importance of walk-in traffic; proposals by the applicant to encourage carpooling or transit use by employees; hours of operation; and any other factor or factors considered relevant in determining parking impact.
2. The Planning Commission may also consider the types and scale of uses proposed or practical in the Landmark structure and any standards, specifications or guidelines applicable to the structure or site.
3. Such a reduction or waiver may be allowed only if the Planning Commission also determines that there is no feasible way to meet parking requirements on the lot.
4. Prior to the approval of such reduction or waiver, a public hearing shall be held by Planning Commission pursuant to §410-39 (D) 2.

~~BF.~~ —In any district, regardless of land use, a Series A site plan review is required for any parking area that is proposed to be located between an existing or new building and the public right-of-way.

~~CG.~~ —Schedule III.

Commercial Use Classifications

Land Use or Activity	Space(s) Required
Personal Instruction and Improvement	1.00 space per each 300 square feet of leasable area
Restaurant, full service	1.00 space per each three seating accommodations, plus 1.00 space per each two employees on the shift of greatest employment
Restaurant, carry-out <u>limited service/cafe</u>	1.00 space per 50 square feet of customer area

ARTICLE XI, Sign Regulations

§410-67. Categories of review; application process.

- A. Signs for which a permit must be obtained in accordance with the provisions of this Article XI shall fall into one of the following categories:
- (1) Series A: any sign within a designated historic district or within the Susquehanna Heritage Area. Review of, and decision on, any Series A review shall be made by the Commission on Architecture and Urban Design (CAUD).
 - (2) Series ~~B~~A site plan exception: any sign that is located within the City of Binghamton that is outside a designated historic district or the Susquehanna Heritage Area. Review of, and decision on, any Series ~~B~~A site plan exception review shall be made by the Planning Department, except that the staff may request that such review and decision be made by the Commission on Architecture and Urban Design (CAUD).

ARTICLE XIV, Appeals

§410-94. Procedure for appeals.

B. Public notice.

(1) Public notice by Applicant.

- ~~(1a)~~ Newspaper. Due notice of any public hearing shall be published in the official newspaper of the City of Binghamton (the Press and Sun Bulletin) at least ~~10-7~~ calendar days prior to the date thereof, excluding the hearing date.
- ~~(2b)~~ Certified mailings. At least ~~10-7~~ calendar days prior to the public hearing, excluding the hearing date, notice thereof shall be sent by certified mail, return receipt requested, to the owners of record and all other properties within a distance of 100 feet from the boundary of the subject property and to the regional state park commission when the subject property is within 500 feet of any state park or parkway.
- ~~(3c)~~ Public notice sign. At least ~~10-7~~ calendar days prior to the public hearing, excluding the hearing date, a public notice sign shall be posted on the property. The sign(s) shall contain information specific to the applicant's case, such as the time, date, and location of the hearing, the types of variances required, and the proposed action. One sign shall be required for every 300 linear feet of property frontage. The sign(s) must be placed in either the front yard or a visible window when no front yard exists. If the property is a corner lot, one sign must be placed in each front yard.
- ~~(4d)~~ Verification of notice. Verification of notice as required by this Subsection B shall be submitted to the Planning Department prior to the public hearing. Such verification shall consist of a statement from the Press and Sun-Bulletin, the return receipt form (PS Form 3811) from the post office, and an affidavit of sign posting.
- ~~(5e)~~ Cost. The preparation and cost of publication, mailing of the required notice of public hearing, and sign posting shall be borne by the applicant.

-(3) Alternative Public notice by Planning Department. Upon receipt of payment of a notification fee as set by the City Council an applicant may choose to have the Planning Department provide Public notice to the official newspaper of the City of Binghamton (the Press and Sun Bulletin) and to complete mailings. The applicant shall still be responsible for posting the Public notice sign.

- (a) Newspaper. Notice of any public hearing shall be published in the official newspaper of the City of Binghamton (the Press and Sun Bulletin) at least 7 calendar days prior to the date of the hearing, excluding the hearing date.
- (b) Mailings. Additionally, at least 7 calendar days prior to the public hearing, notice thereof shall be sent by U.S. mail to the owners of record and all other properties within a distance of 100 feet from the boundary of the subject property and to the regional state park commission when the subject property is within 500 feet of any state park or parkway.
- (c) Public notice sign posted by Applicant. At least 7 calendar days prior to the public hearing, excluding the hearing date, a public notice sign shall be posted on the property by the applicant. The sign(s) shall contain information specific to the applicant's case, such as the time, date, and location of the hearing, the types of variances required, and the proposed action. One sign shall be required for every 300 linear feet of property frontage. The sign(s) must be placed in either the front yard or a visible window when no front yard exists. If the property is a corner lot, one sign must be placed in each front yard.

- (d) Verification of notice. Verification of notice as required by this §410-39D shall be prepared by the Planning Department at least five calendar days prior to the public hearing. Such verification shall consist of a statement from the Press and Sun-Bulletin and a signed affidavit of notice prepared by the Planning Department.
- (e) Cost. The preparation and cost of publication, mailing of required notice of public hearing, and sign posting shall be borne by the applicant.



**THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK**

Date: November 7, 2012

Sponsored by Council Members: Motsavage, Mihalko, Berg, Webb, Matzo, Rennia, Papastrat

Introduced by Committee: Public Works/Parks & Recreation

RESOLUTION

entitled

A RESOLUTION AUTHORIZING THE MAYOR
TO APPLY FOR AND ACCEPT UP TO \$100,000
FROM THE COMMUNITY CAPITAL
ASSISTANCE PROGRAM FOR THE DESIGN
YOUR OWN PARK INITIATIVE

WHEREAS, the City of Binghamton is eligible to receive a \$100,000.00 grant from the Dormitory Authority New York State for a portable stage and improvements at up to three parks associated with the Design Your Own Park Initiative; and

WHEREAS, the application requires the approval and endorsement of the governing body of the municipality in which the project will be located.

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby:

RESOLVE, that Council does hereby approve and endorse the application of the City of Binghamton to the Dormitory Authority New York State in an amount not to exceed \$100,000.00 for a portable stage and improvements at up to three parks associated with the Design Your Own Park Initiative; and be it further

RESOLVED, that the total cost of the project is \$100,000.00, there is no local match; the Director of Planning and Community Development will be the grant project manager; and that the anticipated date of project completion is Fall 2013; and be it further

RESOLVED, that upon approval of said application the Mayor, or his designee, is hereby authorized to enter into and execute an agreement, approved as to form and content by the Office of Corporation Counsel, with the State to accept such grant.

Introductory No. R12-83
Permanent No. R12-81

Sponsored by City Council Members:
Motsavage, Mihalko, Berg, Webb, Matzo, Rennia,
Papastrat

A RESOLUTION AUTHORIZING THE MAYOR
TO APPLY FOR AND ACCEPT UP TO \$100,000
FROM THE COMMUNITY CAPITAL
ASSISTANCE PROGRAM FOR THE DESIGN
YOUR OWN PARK INITIATIVE

The within Resolution was adopted by the Council of
the City of Binghamton.

November 7, 2012
Date
[Signature]
City Clerk

November 8, 2012
Date Presented to Mayor

11/8/12
Date Approved
[Signature]
Mayor

	Ayes	Nays	Abstain	Absent
Motsavage	<u>✓</u>			
Mihalko	<u>✓</u>			
Rennia	<u>✓</u>			
Webb	<u>✓</u>			
Papastrat	<u>✓</u>			
Matzo	<u>✓</u>			
Berg	<u>✓</u>			
Total	<u>7</u>	<u>0</u>	<u>0</u>	<u>0</u>

☐ Code of the City of Binghamton

☒ Adopted ☐ Defeated
7 Ayes 0 Nays 0 Abstain 0 Absent